

TOWN OF ACTON

ANNUAL TOWN MEETING WARRANT



FOR APRIL 5, 2004

**The Annual Town Meeting will convene at 7:00 P.M. in the
Acton-Boxborough Regional High School Auditorium
96 Hayward Road**

VERY IMPORTANT NOTICE

As required by Town Bylaw, the Annual Town Meeting will officially begin April 5. However, in recognition of religious observances, the Board of Selectmen and the Moderator have agreed to a plan to have the Annual Town Meeting called to order at 7:00 P.M. on April 5, and immediately move to adjourn the meeting to Wednesday, April 7 at 7:00 P.M. At that time, the business of Town Meeting will proceed.

NOTICE OF MEETINGS AND ELECTION

ANNUAL TOWN ELECTION TUESDAY, MARCH 30, 2004 7:00 A.M. – 8:00 P.M.

Precinct 1 – Nagog Woods Club House – 100 Nonset Path

Precinct 2 – Conant School – 80 Taylor Road

Precinct 3 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road

Precinct 4 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road

Precinct 5 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road

Precinct 6 – Conant School – 80 Taylor Road

For assistance in determining your election voting location, please use the State Elections Division web site **www.WhereDoIVoteMA.com** or contact the Town Clerk's office by e-mail at **clerk@acton-ma.gov** or telephone at **(978) 264-9615**.

ANNUAL TOWN MEETING MONDAY, APRIL 5, 2004 7:00 P.M.

Acton-Boxborough Regional High School Auditorium

Note: Copies of the detailed Municipal Operating Budget are available at Town Hall, Police Station, Memorial Library and West Acton Citizens' Library. Copies will also be available at Town Meeting.

Table of Contents

Article Index.....	1
Board of Selectmen's Message	3
Town Manager's Message	6
Finance Committee's Message	8
Warrant.....	10
Consent Calendar	11
Articles	14
East Acton Village Plan – Introduction to Articles.....	51
Glossary of Terms Commonly Used in Municipal Finance.....	95
Parliamentary Procedure	98
Internet References.....	101
Volunteer Application.....	103
Proposed Town Meeting Booklet	105

Article Index

<u>Article</u>	<u>Title</u>	<u>Page</u>
1	Choose Town Officers	14
2	Hear and Accept Reports	14
3 *	Council on Aging Van Enterprise Budget	15
4 *	Nursing Enterprise Budget	15
5 *	Septage Disposal Enterprise Budget	16
6 *	Sewer Enterprise Budget.....	17
7	Budget Transfer.....	17
8	NESWC Enterprise Budget.....	18
9 *	Section 53E½ Self-Funding Programs	19
10 *	Chapter 90 Highway Reimbursement Program	21
11 *	Insurance Proceeds.....	21
12 *	Federal and State Reimbursement Aid.....	22
13 *	Sale of Foreclosed Properties.....	22
14 *	Transfer of Funds – Cemetery Land Fund	23
15 *	Elderly Tax Relief – Reauthorize Chapter 73 of the Acts of 1986.....	23
16	Town Operating Budget.....	24
17 *	Town Board Support – Special Projects	24
18	Community Preservation Program – Direct Appropriations from Fund Balance.....	25
19	Acton Public Schools Budget	31
20	Heating System Repairs – Douglas Elementary School	31
21	Acton-Boxborough Regional School District Assessment	32
22	Minuteman Regional School District Assessment.....	32
23 #	Amend Zoning Bylaw – 80 and 84 Piper Road	33
24 #	Amend Zoning Bylaw – Vehicle Wholesale and Storage as an Accessory Use.....	34
25	Provision for Hours of Operation of Non-Residential Outdoor Lighting	36
26	Amend Zoning Bylaw – Outdoor Lighting Regulations.....	38
27 #	Acton Citizens for the Bill of Rights	48
28	Amend Zoning Bylaw – East Acton Village Plan – Village Green Rezoning	52
29	Amend Zoning Bylaw – East Acton Village Plan – 8 Wetherbee Street Rezoning	52
30	Amend Zoning Bylaw – East Acton Village Plan – District Use Regulations	53
31	Amend Zoning Bylaw – East Acton Village Plan – EAV Dimensional Regulations.....	56
32	Amend Zoning Bylaw – East Acton Village Plan – EAV Special Provisions.....	57
33	Amend Zoning Bylaw – East Acton Village Plan – Site Plan Review Threshold for EAV	62
34	Amend Zoning Bylaw – East Acton Village Plan – EAV-2 District.....	64
35	Amend Zoning Bylaw – East Acton Village Plan – Options for Density Increases in EAV	68
36	Amend Zoning Bylaw – East Acton Village Plan – EAV District Parking Requirements	74
37	Amend Zoning Bylaw – East Acton Village Plan – Modified Sign Regulations for EAV	78
38	Amend Town Bylaw – East Acton Village Plan – Prohibition of Motorized Craft on Ice House Pond	80
39	Amend Zoning Bylaw – South Acton Village District – Multi-Family Dwellings	81
40	Amend Zoning Bylaw – Adjustments to Section 9B – Senior Residence	81
41 *	Amend Zoning Bylaw – Housekeeping	85
42	Amend Zoning Bylaw – Amend Agricultural Use Definition	87
43	Amend Zoning Bylaw – ARC District Changes	88
44 *	Street Acceptance – Bellows Farm Subdivision	89

45	*	Street Acceptance – Maple Creek Farm Subdivision	90
46	*	Street Acceptance – North Acton Woods Subdivision	91
47	*	Land Gift – 190 Arlington Street	92
48	*	Land Gift – North Acton Woods Subdivision	92
49	*	Drainage Easement – Squirrel Hill Road	93
50	*	Sidewalk Easement – Arlington Street	93
51	*	Amend Town Charter.....	94

Legend

One or more of the following symbols may follow an Article number:

<u>Symbol</u>	<u>Description</u>
*	This article is on the Consent Calendar
#	This article submitted by Citizen Petition

Board of Selectmen's Message

April 5, 2004

This Town Meeting Warrant is your invitation to participate in the legislative portion of Acton's town government. Acton citizens have a longstanding tradition of governing themselves by means of an open Town Meeting. In order to achieve the best results we need your participation and encourage all Acton residents to attend. All registered voters are urged to participate in the debate and vote on the Articles presented. Other residents, even if they are not registered voters, are invited to attend and observe, or to view the proceedings on cable television channel 8.

Town Meeting Dates, Times and Location

Annual Town Meeting will begin on Wednesday, **April 7, 2004** (Town meeting will be officially opened on Monday, April 5 and immediately continued to April 7th to allow the observation of religious holidays). Town meeting is then expected to continue on Monday, **April 12** and any additional consecutive nights as required. All sessions will begin at 7:00 P.M. in the Acton-Boxborough Regional High School Auditorium. Come early to get checked in by the Town Clerk's staff and obtain additional information.

Regular attendees at Annual Town Meeting will note that many of the Articles in this Warrant relate to matters which are routinely addressed every year, such as the established Enterprise Budgets and the Schools' and Municipal Operating Budgets, while other Articles relate to issues and matters that are new or unique this year. Although some Articles, such as Zoning or Bylaw amendment proposals, do not involve appropriation of funds, much of the Annual Town Meeting's attention is focused on fiscal matters.

Town Warrant and Procedures

The Town Meeting Warrant is the agenda for the meeting. It is drawn up by the Selectmen from various proposals made by the Selectmen, the School Committees, other Boards, staff and citizens. The Selectmen determine the order that the Articles are printed to appear in the Warrant. The Articles will be considered in the order in which they appear, unless the Moderator, or the meeting itself, changes that order. Each Article is intended to give fair notice of the topic to be discussed and voted upon, thus any motion made at Town Meeting under one of these Articles must be found by the Moderator to be within the scope of the printed Article. At the Town Meeting, the **motion** made under each Article will describe the specific action that is proposed to be taken. The wording of the motion, and any amendments that might be offered to the main motion, may differ from the exact wording of the Article, but as indicated above must be within the scope of the Article. Accordingly, it is suggested that each attendee listen closely to the reading of the **motion**, and any amendments made before voting.

For a better understanding of parliamentary procedure, please review the section of the warrant entitled Parliamentary Procedure and a Basic Guide to Town Meeting Process as written by the Town Moderator.

Information on Specific Warrant Articles

The best debate is conducted by those who have informed themselves concerning the issues. Informed debate is delayed when speakers rise only to ask basic questions that could be individually addressed. To assist speakers to inform themselves in advance, and to avoid delays during the meeting engendered by persons seeking basic information, the Board of Selectmen strongly encourages and solicits questions in

advance concerning any of the proposed Articles. Information in regard to the Articles is available from any of the people listed after each Article summary, or a general inquiry may be made to the Town Manager's office (978-264-9612) for an appropriate referral. Copies of the Municipal Operating Budget will be made available in advance of the meeting at the Memorial Library, West Acton Citizens' Library, Acton Police Station, and Acton Town Hall. Copies of the Schools' Operating Budgets will be made available in advance of the meeting at the Superintendent's Office (978-264-4700). Copies will also be available at Town Meeting. Furthermore, personnel designated by staff or the Moderator will be available in the auditorium during the Meeting to answer informational questions which may not be of interest to the entire assemblage on a one on one basis.

New Warrant Articles for 2004

There are a number of new proposals this year including an article appropriating funds from Acton's Community Preservation Fund. Since its adoption by Acton citizens last year, the Community Preservation Committee convened, drafted its CPC Plan and will present its recommendations for funding. This year the Town received over \$473,000.00 in state matching funds to be spent on open space, affordable housing, historic preservation and recreation. In addition, there are a number of zoning articles including the complement of articles concerning the East Acton Village. For the past three years, the East Acton Village Planning Committee has met and the fruits of their labor will be presented for consideration by the Town voters. One article proposes amendments to the Town's Zoning Bylaw concerning Outdoor Lighting Regulations and there are a number of citizens' petitions concerning zoning issues. A citizens' petition will be presented concerning the Patriot Act as well.

Municipal and School Budgets

As part of the continuing effort to coordinate long range financial planning, members of the Board of Selectmen, the School Committees and the Finance Committee met on a regular basis to coordinate the annual budgets and to develop both expenditure and revenue projections for the coming years. Acton continues to weather the economic storm, now in its second year of a three-year financial plan. Having passed an override last year, the Town and the Schools were able to maintain adequate services in the face of severe cutbacks in expected revenues, steep reductions in State Aid, and rising costs. In order to maintain its pledge that there would be no operating override proposed for this year, we have been forced to make cuts in existing services. In accordance with the adopted long range forecasting, we are proposing to use substantial portions of available Free Cash to meet that objective.

On the budgetary side, the constraints imposed by Proposition 2½ along with factors largely outside of our control such as continuing large increases to health insurance, pensions and negotiated wage increases, increases in school enrollments, unfunded state mandates, and public safety concerns create a serious and ongoing structural funding problem. As predicted, there has been no revenue growth over the last two years (Acton's state funding was cut over 17% last year) and at the time this warrant was printed, the state may only level fund its obligations. Despite these impositions, budgets must increase to include larger than 2½% growth in negotiated wages, health insurance and pension costs. Although this problem has been with us for a number of years, revenue growth from state aid and new development along with careful budgetary management has succeeded in maintaining only barely satisfactory levels of service. In order to achieve this fiscal stability, however, the Town's and School's capital maintenance needs have been continually sacrificed. The challenges Acton faces in the next year will require that unfunded operating costs be addressed while including neglected capital needs. All of the relevant Committees and Boards are working on a plan to address these issues going forward for the next few years. As included as part of its three-year plan and without substantial new revenues, which are not

envisioned at this time, the Town will face either an override in FY 06 or be forced to make drastic reductions in the most basic services.

Acton continues to address these budget “drivers” in many ways. With the help of the Town’s Finance Committee members and School Committees’ members, Acton has taken steps to better control and manage its health insurance costs; to address on a statewide level the mismanagement of the Middlesex Retirement Pension to help reign in burgeoning costs; and will work together with its employees to negotiate fair and reasonable contracts that are consistent with the fiscal constraints the Town and Schools face.

Deep Gratitude to All the Town’s Volunteers

In addition to trying to balance our budgetary needs against limited resources, another necessity for the healthy function of our local government and community is the flow of active, interested citizens willing to volunteer their time, talents, and energy to participate as members of the Town’s many volunteer regulatory and advisory Boards, Commissions and Committees. Volunteers are the very foundation of our government, and as the needs of the Town expand so does the need for volunteers. We extend our deepest gratitude and thanks to all those of you who give so freely of your time and resources to the betterment of all Acton’s citizens. THANK YOU!

We invite anyone interested to get involved and help contribute to the process. No special knowledge is necessary to volunteer, only an interest to serve the community and advance the public good, combined with a willingness to learn. The rewards may be intangible, but are very real. We encourage you to volunteer by filling out the Citizen Resource Sheet which is included in this Warrant, tearing it out and mailing it to Town Hall, depositing it in the marked box in the lobby outside the auditorium at Town Meeting, or handing it to any Selectman at this meeting. If you are interested in serving on the Finance Committee, appointments are made by the Town Moderator. For all other non-elected Town Boards and Committees, the Board of Selectmen is the appointing authority. We welcome and invite you to submit an application and participate in determining your future and keeping the democratic process alive and well.

Walter M. Foster, Chair
Peter K. Ashton, Vice Chair
F. Doré Hunter, Clerk
William H. Shupert
Robert Johnson

Board of Selectmen

Town Manager's Message

For more than a decade I have expressed my concern for the continued plight of the Municipal Budget. Last year, shortly after I wrote my message for the Annual Town Meeting Warrant, the Voters of Acton generously approved an Operating Override. We are grateful for this expression of confidence and assure you that we will do everything in our power to continue to justify your support.

Even with the Override, however, large increases in several fixed categories of the Municipal Budget consumed more than the Municipal share of available new revenues for the year (including the Override). As a consequence, the net “effective” Municipal Budget for FY04 was significantly lower than the FY03 Budget.

Looking back, one can see that although last year was stressful, at least there was the hope and, ultimately, the realization of some relief resulting from the Override. Looking forward to FY05, there is no such hope. The financial plan of the Selectmen and School Committees calls for the FY05 Budgets to be prepared without reliance upon, or anticipation of, an Override. The Municipal Budget presented in this Warrant has been prepared accordingly.

With no hope of supplemental funding from an Override, the outlook for Municipal services is bleak. I have been a Municipal employee for over 31 years – the last 17 as Town Manager. In all this time, there has been only one other year - during the collapse of the “Massachusetts Miracle” - that even approached the grim outlook for FY05 in terms of the impact on our ability to provide critical Municipal services.

The total of new revenues available to the Municipal Budget for FY05 is \$739,000. Unfortunately, this is woefully inadequate to fund the needs of our various departments, as expressed by our Department Heads. Their requests - just for the funding necessary to maintain FY05 core services at the FY04 level - exceeded the Municipal share of available new revenues by nearly \$3,000,000. Said another way, this budget provides less than 85% of the funding that our Departments need to maintain their services in FY05. This deficit will go un-funded in FY05 and loom as unfulfilled needs when we start the budget process again next year.

As we experienced last year, there are several significant fixed-cost increases that influence the FY05 Municipal Budget. Health Insurance costs continue to rise rapidly while ongoing problems with the Middlesex Retirement Board have resulted, again this year, in a substantial increase in our pension assessment from the Middlesex Retirement System. These two items, alone, have consumed more than the entire \$739,000 of new revenues available to the Municipal Budget, as noted in the preceding paragraph. Again this year, we enter the FY05 Budget with less effective resources than we have in the FY04 Budget ... and that is before addressing the following critical needs:

1. **CRITICAL PUBLIC SAFETY FACILITY SUPPORT:** The new Public Safety Facility is scheduled to open in the second half of FY05. This requires that we anticipate certain new start-up costs that we do not currently have in our budget. One of the important efficiencies we will realize with this facility is a central, combined civilian dispatch service for both the Police and Fire Departments. This critical emergency answering and dispatch function takes on an even higher priority in these troubled times. In order to provide this enhanced emergency service we will need to increase the number of civilian dispatchers we employ. We have made commensurate staff and program cuts in other areas of the Municipal Budget (as noted below) in order to accommodate this service. Also, although the balance of our budget does not adequately address the ongoing maintenance needs for our Municipal facilities, we have made provision for one full-time custodian to be assigned to the Public Safety Facility.

2. **CRITICAL FINANCE DEPARTMENT SUPPORT:** Our Finance Department has been severely overworked and understaffed for a number of years. Services in this Department have been stretched to the breaking point. Every aspect of the Municipal organization relies on the timely, accurate and reliable services of the Finance Department. Failure in this area is not an option. The FY05 Budget includes provision for one additional FTE to shore up this critical function.

The total of necessary increases to be funded in the FY05 Budget, including fixed-costs and the critical support functions noted above, is over \$1,500,000. With less than \$740,000 available in new revenues to cover all of our increased costs, the Municipal Budget, once again, is experiencing a substantial shortfall which cannot sustain even a maintenance budget. Over \$750,000 of existing Municipal services have been cannibalized in order to support the most critical of our services.

In order to produce a balanced budget, 19 New Personnel requests from our departments – other than those described above – were denied. In addition, a substantial amount of coverage (overtime and substitute pay) has been eliminated from the Public Safety budgets and several staff positions were eliminated in other departments. No New or Replacement Capital and no New Programs that our departments requested for the support of their service functions in FY05 have been funded. Finally, over \$700,000 of major program cuts were made to existing services in order to close the remaining gap.

It should come as no surprise that the allocation of available funds is wholly inadequate to sustain Municipal Services. This fact is driven home by the irony of the necessity to reduce our already-insufficient workforce in order to fund new costs that must be accommodated. We have managed significant funding shortfalls in prior years, without jeopardizing Public Safety functions, by forcing reductions into some of our less critical service areas. We no longer have those resource areas available. In order to squeeze this budget into the available funding, we have had to resort to significant cuts in all of the departments that provide for the safety and welfare of the public (Police, Fire, Highway, Building and Health).

Our critical functions are in danger of catastrophic failure, our fleet has suffered the brunt of budgetary shortfalls for many years, our infrastructure maintenance programs have been reduced to a pittance ... and there is no relief in sight.

Respectfully submitted,

Don P. Johnson,
Town Manager

Finance Committee's Message

Last year, town officials promised no override for FY05. The budgets that you see before you fulfill that commitment. However, it comes at a very high cost. In balancing the budget without an override, the town will draw down, in rough numbers, \$2.2 million in free cash¹, \$240,000 from the Regional School's Excess and Deficiency (E&D)² account, but no money from the overlay surplus³. In addition, the town was fortunate to receive \$241,000 in either reduced assessment or Pothole funds related to the Minuteman Regional High School assessment. These funds are truly one-time events – unlike the recurring one-time events you read about in the corporate financial reports.

For FY05, the Finance Committee supports the maximal use of free cash, use of funds from the Regional School's Excess and Deficiency (E&D) account, but no use of overlay surplus. Using these reserves combined with reductions in municipal staff and school staff, no override will be needed in FY05. However, it must be noted that little if any maintenance of a capital nature is included in these budgets. Should a major capital maintenance problem occur during the year, our ability to deal with it will be severely constrained as a result of using our reserves to fund operations. (As this message is going to press, the heating system at the Douglas school will need major repairs. Estimates are in the hundreds of thousands dollars.)

The Town will not have the aforementioned funds available in FY06. Assuming no change in state aid and no further reduction in town or school staff, the projected increases in personnel expenses, pension costs and health insurance premiums are well above 2½%. Even with reductions in personnel and programs, an override will be required since our reserves will have been depleted to a bare level. A note on the pension costs: to a large degree, the increased pension costs are due to mismanagement of the investments. This has been reported in the Boston Globe. One selectman, Trey Shupert, was so vociferous in testimony before the state legislators that he was termed a "pit bull." We need more pit bulls.

Depending on how you forecast reserves for FY06, the Town is left with about \$1.2 million or roughly 2% of FY05 budget in reserves. This is an extremely low level and it is for this reason that the Finance Committee did not recommend the use of \$200,000 from the overlay surplus.

A few words regarding the Pothole funds: the Finance Committee, in August 2003, identified an unjust assessment from Minuteman Regional High School based on faulty Department of Education data. With the support of the Board of Selectmen and School Committees, we successfully argued the case before our legislators, applied for and received a \$200,000 award from the state's Foundation Reserve (Pothole) Fund. Special thanks to our state Representatives Jamie Eldridge, Cory Atkins, and Senator Pam Resor for advocating Acton's case. Thanks also to Finance Committee members David Stone and Jonathan Chinitz for digging out the facts. Minuteman Regional High School also received a Foundation Reserve Fund award and distributed \$36,735 to Acton. During this process, another error was discovered in the Minuteman Assessment. Based on this correction, Acton's assessment will be reduced by another \$4,300 this year. This brings the total additional savings and revenue to over \$241,000. You can view a copy of our presentation to our legislators at:

<http://doc.acton-ma.gov/docushare/dsweb/Get/Document-2126/Minuteman.pdf>

All may not be doom and gloom. The economy is showing shows of recovery. Tax receipts for the state are improving. The Governor has committed to fully-fund the School Building Assistance Program. (However, the check isn't in the mail and hasn't even been written.) The Town is blessed with many

households with high wealth and income. The citizens value education and municipal services and voted to support overrides and capital exclusions. In February, Standard and Poor's reviewed the Town's credit rating and re-affirmed its AA+ rating.

As we move into FY05 and plan for FY06, Acton citizens will face many difficult choices. By FY06, the town will have drawn down its reserves to a barely acceptable level. Absent a strong economic recovery, increased state aid or increased tax receipts, the citizens will have to make difficult choices in schools, municipal services and taxes, i.e. an override.

Gim P. Hom, Chair
Finance Committee

¹ Free Cash

Unrestricted funds from operations of the previous fiscal year that are certified by the Director of Accounts as available for appropriation.

² Excess and Deficiency

Also called the "surplus revenue" account, this is the amount by which cash, accounts receivable, and other assets exceed a regional school district's liabilities and reserves as certified by the Director of Accounts.

³ Overlay Surplus

Any balance in the overlay (An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year) account of a given year in excess of the amount remaining to be collected or abated can be transferred into this account. Overlay surplus may be appropriated for any lawful purpose. At the end of each fiscal year, unused overlay surplus is "closed" to surplus revenue and becomes a part of free cash.



TOWN OF ACTON ANNUAL TOWN MEETING WARRANT

Commonwealth of Massachusetts, ss.

To either of the Constables of the Town of Acton, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the legal voters of said Town of Acton, qualified to vote at Town Meetings for the transaction of town affairs, to meet in their respective precincts to wit:

Precinct 1 – Nagog Woods Club House – 100 Nonset Path

Precinct 2 – Conant School – 80 Taylor Road

Precinct 3 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road

Precinct 4 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road

Precinct 5 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road

Precinct 6 – Conant School – 80 Taylor Road

On Tuesday, March 30, 2004 between 7:00 A.M. and 8:00 P.M., by posting a copy of this warrant by you attested, at each of the places as directed by vote of the Town, fourteen days at least before the thirtieth day of March 2004,

To bring their votes on one ballot for the following officers:

Moderator for one year, two Selectmen for three years, two members of the School Committee for three years, one Trustee of the Memorial Library for three years, one member of the Housing Authority for two years.

In addition, the Acton Water District will elect a Commissioner for three years.

You are also to notify legal voters aforesaid to meet at the Acton-Boxborough Regional High School Auditorium in said Acton on **Monday, April 5, 2004, at 7:00 P.M.**, then and there to act on the following articles:

Legend

One or more of the following symbols may follow an Article number:

<u>Symbol</u>	<u>Description</u>
*	This article is on the Consent Calendar
#	This article submitted by Citizen Petition

Consent Calendar

In an effort to streamline Town Meeting, the Board of Selectmen has decided to continue the concept of a Consent Calendar. The use of this Calendar speeds the passage of articles which the Selectmen feel should generate no controversy and can be properly voted without debate. The purpose of the Consent Calendar is to allow motions under these articles to be acted upon as one unit and to be passed without debate.

The Consent Calendar will be taken up as the first order of business.

Please do your homework. If you have any questions about the consent articles, motions or procedure, please feel free to contact the official listed in the summary of the article or to contact the Town Manager's Office, by e-mail at manager@acton-ma.gov or by telephone at (978) 264-9612, before Town Meeting.

At the call of the Consent Calendar, the Moderator will call out the numbers of the Articles, one by one. If two or more voters object to any particular Article being included in the Consent Calendar, they should say the word "**Hold**" in a loud voice when the number is called. The Article is then removed from the Consent Calendar and restored to its original place in the Warrant, to be debated and voted in the usual manner. After the calling of the individual items in the Consent Calendar, the Moderator will ask that all remaining articles be passed **as a unit** by the voters.

Please carefully review the list of articles and motions proposed for each Consent item that follows. Complete summaries are included with each article printed in this warrant.

Consent Calendar Articles and Motions

Article 3 * Council on Aging Van Enterprise Budget

Move that the Town appropriate \$74,411 for the purpose of operating the Town of Acton Senior and Disabled Citizens Van service, and to raise such amount, \$49,411 be transferred from the Council on Aging Enterprise Fund, \$15,000 be transferred from the Audubon Hill Gift Account and \$10,000 be raised and appropriated.

Article 4 * Nursing Enterprise Budget

Move that the Town appropriate \$635,491 for the purpose of operating the Public Health Nursing Service, and to raise such amount, \$635,491 be transferred from the Nursing Enterprise Fund.

Article 5 * Septage Disposal Enterprise Budget

Move that the Town appropriate \$209,399 for the purpose of septage disposal, and to raise such amount, \$209,399 be transferred from the Septage Disposal Enterprise Fund.

Article 6 * Sewer Enterprise Budget

Move that the Town appropriate \$1,534,115 for the purpose of operating the sewer system, and to raise such amount, \$1,534,115 be transferred from the Sewer Enterprise Fund.

Article 9 * Section 53E½ Self-Funding Programs

Move that the revolving funds for the Local School System, Historic District Commission, Building Department, Sealer of Weights and Measures, Health Department, and Fire Department be continued for FY04 in the amounts and for the purposes set forth in the expense column of this Article.

Article 10 * Chapter 90 Highway Reimbursement Program

Move that the Town Manager is authorized to accept Highway funds from all sources and such funds are hereby appropriated for highway purposes.

Article 11 * Insurance Proceeds

Move that the Town Manager is authorized to accept insurance proceeds from all sources and such funds are hereby appropriated.

Article 12 * Federal and State Reimbursement Aid

Move that the Town Manager is authorized to accept federal and state reimbursement funds from all sources and such funds are hereby appropriated for the purposes outlined by such reimbursement.

Article 13 * Sale of Foreclosed Properties

Move in the words of the Article.

Article 14 * Transfer of Funds, Cemetery Land Fund

Move that the Town appropriate \$100,000 from the Cemetery Land Fund, to be expended by the Town Manager, for the development and landscaping of Section 9, Mount Hope Cemetery, and for general improvements in the Cemeteries.

Article 15 * Elderly Tax Relief – Reauthorize Chapter 73 of the Acts of 1986

Move that the Town continue to accept the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, providing for a 100% increase in certain property tax exemptions.

Article 17 * Town Board Support – Special Projects

Move that the Town raise and appropriate \$2,000 for the ongoing expenses of the Acton-Boxborough Cultural Council.

Article 41 * Amend Zoning Bylaw – Housekeeping

Move to adopt the bylaw amendments as set forth in the Article.

Article 44 * Street Acceptance – Bellows Farm Subdivision

Move that the Town accept as public ways the streets listed in the Article, as laid out by the Board of Selectmen, according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout.

Article 45 * Street Acceptance – Maple Creek Farm Subdivision

Move that the Town accept as public ways the streets listed in the Article, as laid out by the Board of Selectmen, according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout.

Article 46 * Street Acceptance – North Acton Woods Subdivision

Move that the Town accept as public ways the streets listed in the Article, as laid out by the Board of Selectmen, according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout.

Article 47 * Land Gift – 190 Arlington Street

Move to accept the land as set forth in the Article.

Article 48 * Land Gift – North Acton Woods Subdivision

Move to accept the land as set forth in the Article.

Article 49 * Squirrel Hill Road Drainage Easement

Move to accept the easement as set forth in the Article.

Article 50 * Sidewalk Easement – Arlington Street

Move to accept the easement as set forth in the Article.

Article 51 * Amend Town Charter

Move to adopt the Charter amendments as set forth in the Article.

Donald MacKenzie
Town Moderator

Articles

ARTICLE 1 CHOOSE TOWN OFFICERS

(Majority vote)

To choose all necessary Town Officers and Committees and to fix the salaries and compensation of all the elective officers of the Town as follows:

Moderator	\$20.00 per Town Meeting session
Board of Selectmen, Chairman	\$750.00 per year
Board of Selectmen, Member	\$650.00 per year

, or take any other action relative thereto.

SUMMARY

This article provides for the election of Trustees of the Elizabeth White Fund, Trustees of the West Acton Fireman's Relief Fund, Trustees of the Goodnow Fund and Trustees of the Citizens' Library Association of West Acton and establishes the salaries of the Town's elected officials.

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 2 HEAR AND ACCEPT REPORTS

(Majority vote)

To see if the Town will accept reports and hear and act upon the report of any committee chosen at any previous Town Meeting that has not already reported, or take any other action relative thereto.

SUMMARY

This article provides for the acceptance of the Annual Town Report, any other reports Town Boards and Committees may need to offer, and to offer for acceptance, any reports of committees chosen at previous Town Meetings.

Selectman assigned: Walter Foster: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 3 * COUNCIL ON AGING VAN ENTERPRISE BUDGET
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$74,411, or any other sum, to operate the Senior Van Service, in accordance with Massachusetts General Law, Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests an appropriation to fund van service for use by senior citizens and disabled citizens of the Community. This article requests that \$59,411, inclusive of fares from the users of the van's service and \$15,000 from the Audubon Hill Gift Account, be used for maintaining the service. This 40-hour per week van service is funded by the Federal, State and Local Governments. 50% of the service is paid by Federal funds, 25% of the service is paid by the Commonwealth, and the final 25% is absorbed by the Town. Fare rates are determined by the Lowell Regional Transit Authority. Revenues will be used to reduce the Town's share of total costs. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

Fund Balance 6/30/03	Budgeted Revenue FY04	Budgeted Expense FY04	Est. Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05
\$8,634	\$72,200	\$72,200	\$8,634	\$65,777	\$74,411	\$0

Direct inquiries to: Jean Fleming, Director, Council on Aging
seniorcenter@acton-ma.gov / (978) 264-9643

Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

ARTICLE 4 * NURSING ENTERPRISE BUDGET
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$608,490, or any other sum, to provide Public Health and Visiting Nurse Services, in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests an appropriation for the Nursing Service Enterprise Fund. An Enterprise Fund permits the Nursing Service to offset its costs with fees for service. These fees are deposited in a separate account and may be expended to pay part or all of the anticipated costs of running the Nursing Service. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

Fund Balance 6/30/03	Budgeted Revenue FY04	Budgeted Expense FY04	Est. Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05
\$362,042	\$583,704	\$583,704	\$362,042	\$635,500	\$635,491	\$362,052

Direct inquiries to: Doug Halley, Health Director
health@acton-ma.gov / (978) 264-9634
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

ARTICLE 5 * SEPTAGE DISPOSAL ENTERPRISE BUDGET
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$209,399, or any other sum, for the purpose of septage disposal, in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests that the receipts from septage haulers, licensing of septage haulers, licensing of septic system inspectors, licensing of septic installers, and disposal works construction permit fees be used for the purpose of allowing septage collected within Acton to be taken to a water pollution abatement facility and to maintain the Town's septage waste disposal program. These fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of septage waste disposal. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

Fund Balance 6/30/03	Budgeted Revenue FY04	Budgeted Expense FY04	Est. Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05
\$78,495	\$222,414	\$222,414	\$78,495	\$209,399	\$209,399	\$78,495

Direct inquiries to: Doug Halley, Health Director
health@acton-ma.gov / (978) 264-9634
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

ARTICLE 6 * SEWER ENTERPRISE BUDGET
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$1,534,115 or any other sum, for the purpose of operating and maintaining a sewer collection and treatment facility, in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests monies for operation of the municipal sewer system. Sewer charges, private sewer treatment plant fees, connection fees, sewer inspector fees, betterments, State and Federal aid for Sewers, and any other income derived from the operation of the municipal sewer system will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of sewerage disposal for the system. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the enterprise fund or to reduce user fees.

Fund Balance 6/30/03	Budgeted Revenue FY04	Budgeted Expense FY04	Est. Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05
\$585,516	\$1,404,437	\$1,454,750	\$535,203	\$1,534,115	\$1,534,115	\$535,203

Direct inquiries to: John Murray, Assistant Town Manager
 manager@acton-ma.gov / (978) 264-9612
Selectman assigned: William Shupert: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

ARTICLE 7 BUDGET TRANSFER
(Majority vote)

To see if the Town will vote to appropriate from available funds, the sum of \$25,000, which is being held as insurance reimbursement for mold mitigation at the Gates School during fiscal year 2004, and to appropriate \$52,602 from available funds to defray necessary expenses above the amount appropriated during last year's Annual Town Meeting of Minuteman Regional Vocational Technical School District for Fiscal Year 2004 (July 1, 2003 - June 30, 2004), or take any other action relative thereto.

SUMMARY

This article is routinely placed on the Warrant to allow Town Meeting to transfer funds and supplement monies, if necessary, to cover needed expenses in the current fiscal year. Due to abnormalities within the State Aid calculation, the Minuteman Regional School District was required to assess Acton an additional amount. This appropriation will balance the Town's accounting records for FY04.

Direct inquiries to: Sharon Summers, School Finance Director
 ssummers@mail.ab.mec.edu / (978) 264-4700
Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

ARTICLE 8 NESWC ENTERPRISE BUDGET

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$4,615,844, or any other sum, for the purpose of solid waste disposal in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests funding for the Town's solid waste disposal and recycling operation. This year's request covers day-to-day operations and funds the replacement of needed pieces of equipment and an amount to fund the study of future solid waste disposal options. The Citizens of Acton fund approximately \$375,000 (from fees) of the cost of operations. \$4,240,844 (92%) of the requested appropriation is funded by non-citizen fees and fund balance. Fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of solid waste disposal. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the enterprise fund or to reduce user fees. It is anticipated that the fund balance will be consumed by future increases in dumping fees to be incurred between now and the end of the NESWC Contract in September 2005. Fund status is noted below (for Budget detail see Municipal Supplement).

Fund Balance 6/30/03	Budgeted Revenue FY04	Budgeted Expense FY04	Est. Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05
\$3,280,835	\$3,691,000	\$4,091,013	\$2,880,822	\$2,625,000	\$4,615,844	\$899,978

Direct inquiries to: John Murray, Assistant Town Manager
manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Robert Johnson: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Deferred

ARTICLE 9 * SECTION 53E½ SELF-FUNDING PROGRAMS
(Majority vote)

To see if the Town will vote, pursuant to Massachusetts General Law, Chapter 44, Section 53E½ to continue revolving funds for the Local School System, to be expended by the Superintendent of Schools; and for the Historic District Commission, Building Department, Sealer of Weights and Measures, Health Inspectional Services, Ambulance Fees and Fire Department Fire Alarm Network, to be expended by the Town Manager, as noted below:

Fund	FY05 Estimated Revenue	FY05 Authorized Expenditure
School Department		
Douglas at Dawn/Dusk	\$150,000	\$150,000
Merriam Mornings/Afternoons/Summer	\$40,000	\$40,000
Gates Amazing Programs	\$40,000	\$40,000
Historic District Commission	\$600	\$600
Building Department	\$166,100	\$166,069
Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees		
Sealer of Weights and Measures	\$11,000	\$10,701
Health Department		
Food Service Inspections	\$20,100	\$20,089
Hazardous Materials Inspections	\$84,100	\$84,088
Fire Department		
Fire Alarm Network	\$48,600	\$48,525
Ambulance Fees u	\$250,000	\$402,000

, or take any other action relative thereto.

SUMMARY

This article allows the Schools and Town to fully fund the extended day/summer programs of the Local Schools, Historic District Commission activities, Building Department inspectional programs, Sealer of Weights and Measures services, specified ongoing Health inspectional programs, Ambulance Fees and the Town-wide Fire Alarm Network from their respective receipts and fund balance. This article removes the cost of these services from the tax base. Fees are deposited in a separate account and may be expended to pay part or all of the anticipated costs of operating each program. If income exceeds costs, the excess is retained for use of the specific program in any subsequent period.

u An example of removing cost from the tax base is to purchase emergency apparatus for Fire Department use from the Ambulance Fees Revolving Fund. This Fund was established last year to isolate medical response revenues and utilize them for the replacement of emergency medical response vehicles. In this specific example, receipts from FY03, FY04 and FY05 would be combined to fund the purchase of one new fire truck that is used as one of the first-response vehicles to medical emergencies.

(For Budget Detail, excluding School Programs, please see Municipal Budget Supplement)

	FY 2003 Actual Revenue	FY 2003 Actual Expense	Fund Balance 6/30/2003	FY 2004 Budgeted Revenue	FY 2004 Budgeted Expense	FY 2004 Est. Fund Balance	Actual Revenue 2/4/2004	Actual Expense 2/4/2004
School Department¹								
Douglas at Dawn/Dusk	\$117,520	\$100,454	\$67,689	\$100,000	\$100,000	\$67,689	\$63,064	\$61,049
Merriam Mornings/Afternoons/Summer	\$3,810	\$3,810	\$0	\$30,000	\$30,000	\$0	\$38,753	\$24,424
Gates Amazing Mornings/Afternoons	\$3,447	\$1,867	\$10,040	\$30,000	\$30,000	\$10,040	\$900	\$650
Historic District Commission²	\$20	\$12	\$571	\$600	\$600	\$571	\$0	\$0
Building Department²	\$89,714	\$117,886	\$71,147	\$161,763	\$161,763	\$71,147	\$45,747	\$40,062
Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees								
Sealer of Weights and Measures²	\$7,587	\$7,993	\$7,581	\$10,315	\$10,315	\$7,581	\$2,320	\$7,382
Health Department²								
Food Service Inspections	\$21,415	\$19,221	\$23,661	\$24,754	\$24,754	\$23,661	\$16,080	\$11,712
Hazardous Materials Inspection	\$27,920	\$23,706	\$17,401	\$90,799	\$90,799	\$17,401	\$6,705	\$14,873
Fire Department²								
Fire Alarm Network	\$42,340	\$37,540	\$72,423	\$46,099	\$46,099	\$72,423	\$505	\$12,599
Ambulance Fees	\$44,427	\$0	\$44,427	\$0	\$0	\$44,427	\$89,245	\$0

All Monetary Figures Rounded to the Nearest Dollar

Direct inquiries to: ¹ Bill Ryan, Superintendent of Schools: bryan@mail.ab.mec.edu / (978) 264-4700
² John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612
Selectman assigned: William Shupert: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Deferred

ARTICLE 10 * CHAPTER 90 HIGHWAY REIMBURSEMENT PROGRAM

(Majority vote)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, a sum of money for highway improvements under the authority of Massachusetts General Law, Chapter 90, and any other applicable laws, or take any other action relative thereto.

SUMMARY

Each year, the State provides communities with 100% reimbursement for certain highway projects. The State Legislature annually establishes the level of highway improvement funds available to cities and towns under the so-called "Chapter 90" Program. This process is not completed until after Acton's Annual Town Meeting; therefore, we are unable to specify a dollar amount at Town Meeting. State law requires that these State Highway Reimbursement Funds be appropriated by Town Meeting. The purpose of this article is to make that appropriation and allow the town to fully utilize whatever level of appropriation the State may make available during the upcoming fiscal year. If Town Meeting were to not adopt this article, it is conceivable that monies allocated to Acton may be redistributed to State projects or other cities and towns.

Direct inquiries to: John Murray, Assistant Town Manager
manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Robert Johnson: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 11 * INSURANCE PROCEEDS

(Majority vote)

To see if the Town will vote to appropriate the proceeds of any insurance policy reimbursement of costs incurred as a result of any covered loss during the remainder of fiscal year 2004 and all of 2005, or take any other action relative thereto.

SUMMARY

According to Massachusetts General Law, reimbursements received from insurance carriers in excess of \$20,000 require appropriation. This article would authorize the Town Manager to expend such reimbursements.

Direct inquiries to: John Murray, Assistant Town Manager
manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Robert Johnson: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 12 * FEDERAL AND STATE REIMBURSEMENT AID
(Majority vote)

To see if the Town will vote to appropriate any Federal Government and State Government reimbursement for costs incurred as a result of any declared emergencies or other occurrence during fiscal year 2005, or take any other action relative thereto.

SUMMARY

The Federal Emergency Management Agency (FEMA) and Massachusetts Emergency Management Agency (MEMA) each provide planning and mitigation monies to cities and towns, and each reimburses for certain costs during declared emergencies. In addition, monies may be distributed for Homeland Defense, other Federal programs and other State programs. This article would authorize the Town to expend all such reimbursements.

Direct inquiries to: John Murray, Assistant Town Manager
manager@acton-ma.gov / (978) 264-9612
Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 13 * SALE OF FORECLOSED PROPERTIES
(Majority vote)

To see if the Town will vote to authorize the Board of Selectmen to dispose of foreclosed properties acquired by the Town for nonpayment of taxes in accordance with the provisions of Massachusetts General Laws, or take any other action relative thereto.

SUMMARY

This article grants authority to the Board of Selectmen to sell and convey properties that the Town has obtained via tax foreclosure.

Direct inquiries to: John Murray, Assistant Town Manager
manager@acton-ma.gov / (978) 264-9612
Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 14 * TRANSFER OF FUNDS – CEMETERY LAND FUND

(Majority vote)

To see if the Town will raise and appropriate or transfer from the Cemetery Land Fund the sum of \$100,000, or any other sum, to be expended by the Town Manager for the development and landscaping of Section 9, Mount Hope Cemetery, and for general improvements in the cemeteries, or take any other action relative thereto.

SUMMARY

This article will provide funds to develop a new section of approximately 1,500 grave spaces at Mount Hope Cemetery. It will also allow for some general improvements in the cemeteries such as replacing damaged trees and shrubs and repairing roadways.

Direct inquiries to: Tom Tidman, Director of Natural Resources
nr@acton-ma.gov / (978)-264-9631

Selectman assigned: Peter Ashton: bos@acton.ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 15 * ELDERLY TAX RELIEF
(Majority vote) **REAUTHORIZE CHAPTER 73 OF THE ACTS OF 1986**

To see if the Town will vote to continue to accept the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, providing for a 100% increase in certain property tax exemptions, or take any other action relative thereto.

SUMMARY

This is a reauthorization of an ongoing program of tax relief for certain qualifying individuals that was adopted by Town Meeting in 1999. Section 4 of Chapter 73 of the Acts of 1986 authorized Towns that annually accept the provisions of this law to grant additional real estate tax exemptions for qualifying individuals. These additional exemptions are available to the elderly, disabled or veterans who qualify for property tax exemptions under Clauses 17, 17C, 17C½, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B and 41C of Section 5, Chapter 59 of the Massachusetts General Laws. This article will continue to provide additional tax relief to qualified individuals by increasing the exemptions to the maximum allowable under the law.

Direct inquiries to: Brian McMullen, Assistant Assessor
assessor@acton-ma.gov / (978) 264-9622

Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 16 TOWN OPERATING BUDGET

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the departments, offices and boards of the Town, exclusive of the school budgets, or take any other action relative thereto.

SUMMARY

This article requests funds for the fiscal year 2005 (July 1, 2004-June 30, 2005) Municipal Operating Budget. The Municipal Budget also includes certain school costs. These are primarily the costs of debt service requirements; property, liability and contents insurance on school buildings; pension costs and Workers' Compensation Insurance for school employees, other than teachers and Regional school employees. The standard motion for the Municipal Budget appropriation under this article typically includes the transfer of monies such as Cemetery Trust Funds and Wetland Filing Fees. Budget detail provided in the Municipal Budget Supplement is available at the Memorial Library, West Acton Citizens' Library, Police Station, Town Hall and at the Polling Places on March 30, 2004. Copies will also be available at Town Meeting.

Direct inquiries to: Don P. Johnson, Town Manager
 manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Walter Foster: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 17 * TOWN BOARD SUPPORT – SPECIAL PROJECTS

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$2,000, or any other sum, to be expended by the Town Manager for the ongoing expenses of the Acton-Boxborough Cultural Council for programs in Acton, or take any other action relative thereto.

SUMMARY

The Acton-Boxborough Cultural Council (ABCC) seeks a sum of money to produce cultural activities and programming in Acton. These funds will help to foster collaborations among local artists and cultural organizations and to address the cultural needs of the Town. This will augment the funds received by the ABCC from the State through the Massachusetts Cultural Council.

Direct inquiries to: Don P. Johnson, Town Manager
 manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 18
(Majority vote)

COMMUNITY PRESERVATION PROGRAM
DIRECT APPROPRIATIONS FROM FUND BALANCE

To see if the Town will vote to appropriate or to set aside for later appropriation, and to authorize the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2003 Community Preservation Fund Balance the following amounts for community preservation purposes with each item considered a separate appropriation:

Purpose	Recommended Amounts
Set Aside Appropriation – Open Space	
A. Acquisition, creation, and preservation of Open Space, and its rehabilitation and restoration	\$ 200,000
Spending Appropriations	
B. Davis Monument Restoration	\$ 50,000
C. Cultural Resource List Revision and Expansion	\$ 20,000
D. Historic District Boundary Signs	\$ 8,285
E. Flag Preservation	\$ 5,600
F. Assabet River Rail Trail	\$ 170,000
G. T. J. O’Grady Memorial Skate Park	\$ 67,000
H. Morrison Farm Master Plan	\$ 59,800
I. Family Housing Initiative	\$ 200,000
J. 214 Central and 28 Willow Streets Feasibility Study	\$ 25,000
K. Community Housing Fund	\$ 25,000
Administrative Spending Appropriation	
L. A fund reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 42,798

And, whereas Massachusetts General Law, Section 44B requires that the Town appropriate for spending, or set-aside for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing.

And, whereas the recommended set-aside appropriation for open space amounts to 21.2% of the Fund Balance, the recommended project appropriations B, C, D, E and \$10,561 of F for historic preservation amount to 10% of the Fund Balance, and the recommended project appropriations I, J, and K for community housing amount to 26.5% of the Fund Balance.

And, whereas Town Meeting may vote to delete or reduce any of the recommended amounts.

Therefore, in the event that recommended amounts are deleted or reduced, vote to appropriate as a set-aside for future spending from the FY 2003 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% (\$94,446.00) for open space, not less than 10% (\$94,446.00) for historic preservation, and not less than 10% (\$94,446.00) for community housing.

, or take any other action relative thereto.

SUMMARY

This article would make appropriations from the Town's Community Preservation Fund. In 2002, the Town adopted the Community Preservation Act, Massachusetts General Laws Chapter 44B. This established Acton's Community Preservation Fund through a 1.5% annual surcharge on real estate property tax bills with certain exemptions, and made the Town eligible to receive annually additional monies from the Massachusetts Community Preservation Trust Fund, which are added to the Town's Community Preservation Fund. Under the law, the Community Preservation Fund may be used to acquire, create and preserve open space; acquire, preserve, rehabilitate, and restore historic resources; create, preserve and support community housing; acquire, create and preserve land for recreational use; and for certain related expenses in support of the foregoing. Community housing is defined as housing for low- and moderate-income individuals and families.

Local adoption of the Community Preservation Act established the Acton Community Preservation Committee as a statutory committee under the Act (Chapter S of the Bylaws of the Town of Acton). The Community Preservation Committee's duties under the law are to study the needs, possibilities, resources, and preferences of the Town regarding community preservation; to engage in an open and public process of deliberation and consult with other Town Boards and Committees; and to make recommendations to Town Meeting for appropriations from the Community Preservation Fund. In addition, the Community Preservation Committee will oversee and monitor progress of funded community preservation projects.

The Committee first convened in February 2003. In October, it published its 2004 Community Preservation Plan with guidelines for the submission of projects seeking community preservation funds. By November 14, 2003, it had received fourteen funding applications for proposed community preservation projects. The Committee reviewed all proposals, interviewed the respective proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under M.G.L. Ch. 44B.

For its first year, FY 2003, the surcharge raised \$470,991.16 and the Town received \$473,464.55 in State funds to bring the Town's total FY 2003 Community Preservation Fund balance to \$944,455.71. Ch. 44B requires that the Community Preservation Committee recommends in each fiscal year the spending of not less than 10% of the annual revenues in the Community Preservation Fund for each of the following: Open space (not including land for active recreation purposes); historic preservation; and community housing. It may recommend the taking by the Town of interest in real property, the set-aside of funds for later spending, and appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses.

This article represents the Community Preservation Committee's spending recommendations from the Community Preservation Fund balance. Except for recommended set-asides for future spending, all recommended amounts should be considered as "up-to" spending limits for the respective projects. The Community Preservation Committee's intent is to monitor all projects and to maximize savings wherever possible. Savings will be available for future appropriations. Not all projects that were proposed to the Community Preservation Committee are recommended for funding, and some of the recommended projects are not recommended at the funding level that their proponents had requested.

A. Open Space Set-Aside

This item appropriates a set-aside fund from which Town Meeting may appropriate spending in future years for the purpose of acquisition, creation, and preservation of open space and the rehabilitation and restoration of such open space.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

B. Davis Monument Restoration

The 75-foot high Davis Monument commemorates the sacrifices of the Acton Minutemen in the Revolutionary War battle at the North Bridge in Concord in April 1775. It is the single most significant architectural feature in the Town. It is the focal point of the Town Common, and it is on the Town Seal. Built in 1854, the monument has not received significant maintenance in thirty years. The requested appropriation will enable the Town to contract masonry repairs as outlined in a report by Turk Tracey & Larry Architects, LLC in 2002 to prevent damage from ice and water intrusion.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

C. Cultural Resource List Revision and Expansion

The Cultural Resource List is compiled by the Historical Commission and contains properties that are historically and culturally significant to the Town. As the town board responsible for community-wide preservation planning, the Historical Commission is charged under MGL Ch. 40, Section 8d with planning for the identification, evaluation, and protection of the community's historic and cultural resources. As the first step in this effort, the Historical Commission is expected to survey the community and compile, maintain, and periodically update an inventory of the town's historic and cultural assets, utilizing official inventory documentation forms.

Acton's historic/cultural survey was last revised in the early 1990s. At that time it included properties of significant historical value up to the late 1920s, but many properties from the late 19th- through the second quarter of the 20th centuries, structures such as bridges and dams, important outbuildings and historic landscapes still remain to be documented. The guidelines for historic properties surveys that are issued by the Massachusetts Historical Commission call for the local Historical Commission to make sure that all property types are surveyed, including clusters of related historic resources such as East Acton Village.

The requested appropriation would allow the Town to hire a historic preservation specialist to prepare official historic survey and inventory forms for approximately 100 properties, including many already on the Cultural Resource List, but presently without or with inadequate documentation forms.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Deferred

D. Historic District Boundary Signs

Acton has three Historic Districts: the South Acton, West Acton, and Acton Center Historic Districts. The requested appropriation will fund the Acton Historic District Commissions efforts to purchase up to 25 historic marker signs and to install up to 22 signs at Historic District boundary locations along primary

and secondary roads and highways. Three signs, one for each district, would be held in reserve for replacements as needed.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

E. Flag Preservation

In 1889, William Allan Wilde gifted the Acton Memorial Library to the Town of Acton in honor of Acton's Civil War dead and veterans. The library stores about 150 Civil War era and related artifacts, including an American flag of the Isaac Davis Post of the Grand Army of the Republic veterans' organization. The flag dates from the early 20th century and was given to the Memorial Library in 1947. Generally in good condition for its age, it has damage from use and time in storage such as stains and stress tears on the fabric. The requested appropriation will contribute to the Memorial Library Trustees' endeavor to professionally restore the flag and to display it in a protective casing on a wall in the library. The project is estimated to cost between \$7,800 and \$8,300. The Memorial Library Trustees will fund from gifts the difference between the recommended appropriation and the estimated total cost.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

F. Assabet River Rail Trail

The 12.5-mile Assabet River Rail Trail (ARRT) runs from Acton via Maynard, Stow, and Hudson, to Marlborough. The five communities have jointly advanced the trail since 1995. To date, the ARRT has received roughly \$2 million in public and private funding, donations, and commitments. Acton Town Meeting has appropriated a \$30,000 local share for trail acquisition in 1998, which leveraged \$150,000 in Federal funds earmarked for acquisition in Acton. Today, a section of the ARRT in Marlborough is finished. Another through Hudson is under construction. Several other parts have been reassembled from private ownership. Acquisitions in Acton are drawing to a close.

Acton's 1.3-mile/7.9-acre portion of the ARRT begins at the South Acton commuter rail station, crosses the active track on Main Street and follows an old railroad right-of-way from Maple Street, south and parallel to Main Street, to the Maynard line. Near Maynard, a commercial building obstructs the former rail line, but there is an agreement with the landowner on an easement detour.

The requested appropriation is the local match that would position the Town competitively to leverage Federal transportation funds for the design and construction of the ARRT in Acton, estimated to cost a total of \$1.42 million.

Construction of the trail will preserve the old railroad right-of-way as part of South Acton's history and make the corridor accessible to the public for enjoyment of the Mill Pond and nearby farm fields. It is anticipated that construction of the ARRT will restore the timber trestle across Mill Pond and remnants of an old turntable near Maple Street. Heavily subsidized with federal funds for their value as transportation alternatives, rail trails are equally important recreation facilities. The ARRT offers opportunities for recreational biking, walking, rollerblading, and cross-country skiing in winter.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

G. T. J. O’Grady Memorial Skate Park

In 2001, the Town appropriated from general fund revenues \$80,000 for the development of the T. J. O’Grady Skate Park. In 2003, the Town acquired from the State for recreation purposes a 1-acre property at 66 Hayward Road with the intention of locating the skate park on it. The site (plate F-3, parcels 16 and 16-1 on the 2003 Town Atlas) is within walking distance from the Senior and Junior High Schools. The Town and T. J. O’Grady Memorial Skate Park, Inc. have collaborated in designing a park for the selected site. Functionality, safety, and durability were the major considerations in the design of the park and the selection of preferred construction materials. The requested appropriation will supplement the Town’s previous appropriation and funds raised and to be raised by T. J. O’Grady Memorial Skate Park, Inc. from other sources. The total cost of the skate park is estimated to be approximately \$285,000.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

H. Morrison Farm Master Plan

In 1997 the Town purchased the Morrison Farm at 116 Concord Road as general municipal land with the vision that it would provide much needed recreation field space while preserving a substantial tract of open space and retaining the rural character of the farm. The 32-acre property is shown on the 2003 Town Atlas on plate F-4 as parcel 34. It has a house and barn near Concord Road, open fields alongside Ice House Pond, and woods in the rear. The requested appropriation will fund a master plan for the Morrison Farm and the land and resources surrounding it, such as the nearby East Acton Village, the proposed East Acton Village Green, the proposed Bruce Freeman Rail Trail, Ice House Pond, and Nashoba Brook. A master plan is necessary to fully understand the land’s potential within its geographic and community context. The planning process is envisioned as a collaboration of interested citizens developing in open meetings a vision for the land. A professional land development consultant would assist in this effort.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

I. Family Housing Initiative

The Acton Housing Authority manages 39 family rental units in Acton. The waiting list for such units currently registers 1044 families, 60 from Acton. The requested appropriation will be combined with a private \$300,000.00 contribution to the Acton Housing Authority to purchase two existing 2- to 3-bedroom condominium units that will be permanently restricted as affordable housing and managed by the Acton Housing Authority. The Housing Authority has received permission from the Massachusetts Department of Housing and Community Development to add these units to the State-aided public housing inventory under the Chapter 705 housing program for families, under which the State will assume the units’ ongoing maintenance, administrative, and other costs. Any payment of Community Preservation Funds for this purpose will be conditioned on the imposition on the acquired units of an Affordable Housing Restriction in a form satisfactory to the Board of Selectmen.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

J. 214 Central and 28 Willow Streets Feasibility Study

The requested appropriation will enable the Acton Community Housing Corporation (ACHC) to hire a professional consultant to study the feasibility of creating three or more affordable housing units on one property located at 214 Central Street and 28 Willow Street. The site is shown on the 2003 Town Atlas plate F2-B as parcels 64 and 65. The study will examine all aspects of the potential project, including neighborhood feedback, funding sources, design options, unit mix, and financial viability. Should the project be found feasible and proceed, it would create needed affordable housing and improve the neighborhood by replacing run-down garages with new residential infill. The site is ideally located amongst a mix of single- and multi-family homes within walking distance of West Acton Village.

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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K. Community Housing Fund

This requested appropriation will create an endowed reserve fund to receive in the future other funds in support of community housing from private donations and gifts, excess profits from Ch. 40B projects, foundations, and federal, state, and local funding programs, including possible future appropriation from the Community Preservation Fund. The Community Housing Fund would be used by the Acton Community Housing Corporation (ACHC), or any other entity that the Board of Selectmen may determine, in support of community housing for purposes allowed under the Community Preservation Act, including but not limited to acquisitions, rehabilitations, and conversions of existing housing stock, new development, refinancing or repurchase of existing affordability restrictions about to expire, purchase of new affordable housing deed restrictions, accessibility modifications of affordable units for persons with disabilities, and assistance to low- and moderate-income buyers with mortgage costs, down payments or closing costs. The Community Housing Fund would be established as a special fund of the Town of Acton under the control of the Board of Selectmen.

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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L. Administrative and Operating Expenses

The Community Preservation Act allows up to 5% of the annual community preservation funds to be expended for administrative and operating costs of the Community Preservation Committee and Program. The requested appropriation is 4.5% of the 2003 Community Preservation Fund. It will reimburse the Town for staff support time and software expenses incurred during the initial set-up of the Community Preservation Program, staff support time to run and maintain the Community Preservation Program, and to support the Community Preservation Committee since its inception, and costs for legal advice to the Community Preservation Committee.

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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Direct Inquiries to: Roland Bartl, AICP, Town Planner
planning@acton-ma.gov / (978) 264-9636

Selectman assigned: Walter Foster: bos@acton-ma.gov

ARTICLE 19 ACTON PUBLIC SCHOOLS BUDGET

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Acton Public School System, or take any other action relative thereto.

SUMMARY

This article requests funds for fiscal year 2005 (July 1, 2004-June 30, 2005) for the Town of Acton Local Schools' Operating Budget.

Direct inquiries to: Bill Ryan, Superintendent of Schools
 bryan@mail.ab.mec.edu / (978) 264-4700

Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Deferred	Recommended

ARTICLE 20 HEATING SYSTEM REPAIRS – DOUGLAS ELEMENTARY SCHOOL

(Two-thirds vote)

To see if the Town will vote to appropriate a sum of money, to be expended at the direction of the School Committee, to pay for costs of repairs to the heating system at the Douglas Elementary School, including the payment of all other costs incidental and related thereto; to determine whether such appropriation shall be raised by taxation, by transfer from available funds, by borrowing or otherwise, or to take any other action relative thereto.

SUMMARY

This article requests funds for repair to the Douglas School heating system. The system is forty years old, and despite yearly maintenance and on-going repairs, has experienced multiple malfunctions during the last two years' heating seasons.

Direct inquiries to: George Frost, Deputy Superintendent
 gfrost@mail.ab.mec.edu / (978) 264-4700 extension 3209

Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Deferred	Deferred

ARTICLE 21 ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT ASSESSMENT
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Acton-Boxborough Regional School District, or take any other action relative thereto.

SUMMARY

This article requests funds for fiscal year 2005 (July 1, 2004-June 30, 2005) for the Acton-Boxborough Regional School District Assessment. This assessment, voted by the Acton-Boxborough Regional District School Committee, is governed by the terms of the Acton-Boxborough Regional School District Agreement.

Direct inquiries to: Bill Ryan, Superintendent of Schools
bryan@mail.ab.mec.edu / (978) 264-4700
Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Deferred	Recommended

ARTICLE 22 MINUTEMAN REGIONAL SCHOOL DISTRICT ASSESSMENT
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Minuteman Regional Vocational Technical School District, or take any other action relative thereto.

SUMMARY

This article requests funds for fiscal year 2005 (July 1, 2004-June 30, 2005) for the Minuteman Regional Vocational Technical School District Assessment. This assessment, voted by the Minuteman School Committee, is governed by the terms of the Minuteman School District Agreement.

Direct inquiries to: Dr. Ronald Fitzgerald, Superintendent
rfitzgerald@minuteman.org / (781) 861-6500
Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Deferred	Recommended

ARTICLE 23 # AMEND ZONING BYLAW – 80 AND 84 PIPER ROAD
(Two-thirds vote)

To see if the Town of Acton will vote to amend the zoning map as follows:

Rezone to R-2 (Residence 2) the following parcel or parcels of land identified by their map and parcel number as shown in the 2003 Town Atlas. Map G3, parcels 69 and 65, present zoning OP-2 (Office Park 2), 80 and 84 Piper Road (see grid to Abstract of April 1, 1996 Annual Town Meeting), said parcels directly abutting other parcels which were rezoned to R-2 (Residence 2) by Special Town Meeting of January 8, 2001, or to take any other action relative thereto.

SUMMARY
(By Petitioner)

This article, if adopted, would rezone to the Residential 2 District (R-2) two parcels of land located at 80 and 84 Piper Road. These properties contain the following dwellings: two historical houses, one built in the late 1700s and one built in the 1800s, as well as a barn erected in 1840. The dwellings, which have remained in the same family for at least 3 generations, have always been used for residential and/or agricultural purposes. At present, the houses continue to be used as residences. Changing the zoning to R-2 will acknowledge the established residential land use and will conform the zoning of the properties to the abutters in the Farmstead Way subdivision as well as the neighboring property of 342 Mass. Ave (all zoned in the R-2 district). Furthermore, the owners note that to make any improvements to the properties located at 80 and 84 Piper Road would require them to go before the Board of Appeals because the properties, as currently zoned, constitute non-conforming uses.

Inserted by Citizen Petition

Direct inquiries to: Frank or Linda Melon: (978) 263-3230; Carlos Melon: (978) 263-0419
Selectman assigned: F. Doré Hunter: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>	<u>Planning Board</u>
	Recommended	Not Recommended	Not Recommended

ARTICLE 24 # AMEND ZONING BYLAW
(Two-thirds vote) VEHICLE WHOLESALE AND STORAGE AS AN ACCESSORY USE

To see if the Town of Acton will vote to amend the zoning bylaw, section 3.8.2 (ACCESSORY USES permitted in the Office, Business, and Industrial Districts) by inserting a new sub-section 3.8.2.7 as follows:

- 3.8.2.7 In the Light Industrial District and on contiguous adjacent land for which the Board of Appeals has previously granted a USE variance permitting a USE allowed in the Light Industrial District, the purchase of new vehicles; the wholesale, but not retail sale, of used vehicles; and the temporary outdoor storage of such new and used vehicles provided that:
- 3.8.2.7.1 The LOT, or the property consisting of two or more contiguous LOTS in single ownership, contains at least 15 acres.
- 3.8.2.7.2 Such USE is accessory to an operations center and offices of a vehicle rental or leasing company.
- 3.8.2.7.3 Such vehicles are at all times registered with the Commonwealth of Massachusetts Registry of Motor Vehicles while on the premises.
- 3.8.2.7.4 No such vehicle exceeds a gross vehicle weight of 10,000 pounds and a wheel base of 135 inches.
- 3.8.2.7.5 All such vehicles are stored in the rear yard out of sight and fully screened from view from any STREET.
- 3.8.2.7.6 All such vehicles are stored at least 200 feet away and fully screened from view from any pre-existing dwelling that is not on the same LOT or property.
- 3.8.2.7.7 The transport and loading/unloading of such vehicles to and from the LOT or property occurs only on weekdays between the hours of 6:00 AM and 9:00 PM.
- 3.8.2.7.8 The storage of such vehicles may use vacant or excess parking capacity that, regardless of the requirements of section 6 of this bylaw, is not needed for employees and customers of the businesses on the LOT or property.

, or take any other action relative thereto.

SUMMARY
(By Petitioner)

This article affects the Light Industrial zoning district and some adjacent residential land off Main Street in South Acton that is subject to a Board of Appeals Use Variance allowing industrial and business uses on it. In those areas, the article would allow the incidental and temporary storage and the incidental wholesale of automobiles as part of the regional headquarters of a car rental and leasing company on the same property. The proposed limitations and requirements will ensure proper screening of the vehicle storage areas, limit the loading and unloading of vehicles to weekday daytime hours, and distinguish this from a car dealership by prohibiting retail sales.

For 2 ½ years, Enterprise Rent-A-Car's Regional Headquarters has been based at 20 Main Street, Acton located in the Light Industrial zoning district. Recently, Enterprise has decided to consolidate their wholesale division with their main offices whose functions include Human Resources, Facility Management and Accounting. In doing so, Enterprise requires a facility which can accommodate the storage of up to 200 cars. This article proposes to provide this accommodation.

These cars represent those members of the Enterprise fleet which are being returned back to GM Motors, Ford, Chrysler and all other major manufacturers or being sold to car dealerships where they will be re-sold to the public. Enterprise needs to be able to temporarily store them on site while the paperwork for their redistribution is being completed. These cars are only on the premises an average of 2-3 months of the year. Enterprise would have an average of 20-50 cars on the premises during most of the year.

Most of the cars being sent from Enterprise's local rental offices to their Headquarters for processing are driven by individual hired drivers and would not require the use of a truck for delivery to the offices at 20 Main Street.

Even though these cars are out at Enterprises' rental offices and are not located within the town of Acton for the majority of their shelf life, Enterprise has agreed to register at least enough of their retired fleet to bring in \$100,000-\$150,000 in additional excise tax revenue to the Town of Acton each year. This number should increase over the next few years due to an increased average cost per car and the excise tax rate. Any expected increase in the excise tax revenue these cars would bring in would not be due to an increase in the number of cars stored, as the storage needs would remain at 200. There would be an average of 20-30 cars parked out in back of 20 Main Street most of the time and then usually only for several days until the paperwork is completed.

Inserted by Citizen Petition

Direct Inquiries to: John Anderson: (978) 263-2198 x222
Selectman assigned: William Shupert: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u> Deferred	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 25 PROVISION FOR HOURS OF OPERATION OF
(Majority Vote) NON-RESIDENTIAL OUTDOOR LIGHTING

[Please note: The Board of Selectmen and the Outdoor Lighting Advisory Committee agree that the Motion for this Article will be to “Take no action.” This Article is included in the Warrant for your information regarding the Committee and its work.]

To see if the Town will vote to amend Chapter E of the Bylaws of the Town of Acton by inserting a new section E58 as follows:

E58. Hours of Operation of Non-Residential Outdoor Lighting:

A. Purpose:

The purpose of these regulations is to reduce late night glare, light trespass, and sky glow caused by outdoor lighting that is not used for public safety and property security.

B. Applicability:

Except as provided under Exemptions below, the following hours of operation regulations, Section D below, shall apply to all outdoor lights in Acton whose lamp wattage exceeds the values contained in the following Table.

<i>Lamp type</i>	<i>Wattage</i>
Incandescent, Halogen	60 w
High Pressure Sodium, Metal Halide, Mercury Vapor, other HID	35 w
Fluorescent, Low Pressure Sodium	13 w

C. Effective Dates:

Starting on January 1, 2006, the hours of operation regulations shall apply to all existing and new outdoor luminaries. A luminaire is a complete outdoor lighting unit or fixture including a lamp or lamps, together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply, but not including a pole on which the luminaire may be mounted.

D. Hours of Operation of Outdoor Lights:

1. All outdoor lights may be turned on no earlier than one hour before Business Hours and shall be turned off no later than 11 PM or one half an hour after of the end of business hours, whichever is later. Business Hours shall be defined as the period of time during which at least one person is present for the purpose of conducting or concluding business on the lot or in a structure on the lot.
2. Outdoor lights for recreational facilities shall be turned off no later than one half-hour after the end of use or activities.

E. Exemptions:

1. Streetlights and other lights within a street or public right of way.
2. Lights on single-family and two-family residential lots and properties.
3. Safety lights, which shall be defined as lights to safeguard the movement of persons by foot or by non-motorized vehicles or by vehicles for disabled persons over hazardous footing or in areas that conflict with vehicle traffic, or lights for the purpose of aiding the visible detection and recognition of other persons, including lights for stairs, pedestrian ramps and tunnels, and pedestrian routes that are reasonably expected to be used after business hours.
4. Security lights, which shall be defined as lights to protect buildings, and property stored outdoors.

5. Lights in existence or installed before January 1, 2005 that do not meet the definition of safety or security lights and are connected by a single outside circuit to safety or security lights. No new such common outside circuits shall be allowed thereafter.
6. Lights controlled by motion detectors or infrared sensors with an on-time of no more than 10 minutes per activation. The motion detector shall be adjusted so that normal movement of vehicles and traffic along a street or public right of way shall not cause its activation.
7. Lights that illuminate the United States Flag and public monuments.
8. Warning and alarm lights that alert to a malfunction or emergency situation.

F. Enforcement

The Town of Acton Building Commissioner shall enforce this bylaw. Violation of this bylaw shall be punishable by a fine of twenty-five dollars (\$25.00). Each day that such violation continues shall constitute a separate offense.

, or take any other action relative thereto.

SUMMARY

If adopted, this article will establish regulations for the hours of operations for new and existing outdoor lighting. Outdoor lighting would be limited to business hours as defined in the article. Lights with low wattage and lumen output are not subject to the regulations. Also exempt are streetlights, light on single- and two-family residential properties, and lights necessary for security and safety, among others. The regulations would become effective on January 1, 2006. This article was developed by the Outdoor Lighting Advisory Committee (OLAC).

Direct Inquiries to: Roland Bartl, AICP, Town Planner
 planning@acton-ma.gov / (978) 264-9636

Selectman assigned: William Shupert: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Not Recommended	Not Recommended

ARTICLE 26 **AMEND ZONING BYLAW – OUTDOOR LIGHTING REGULATIONS**
(Two-thirds vote)

To see if the Town will vote to amend the zoning bylaw as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

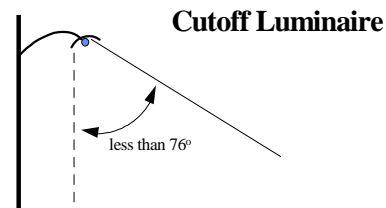
- A. In section 10.4 – Site Plan Special Permit, delete section 10.4.3.2 – Outdoor Lighting and replace it with the following:

10.4.3.2 Outdoor Lighting – Developments and redevelopments requiring a Site Plan Special Permit or an amendment thereof, shall comply with the standards for outdoor lighting set forth in section 10.6.

[*Note: Section 10.4.3.2 contains the graphic shown here and currently reads:*

10.4.3.2 Outdoor Lighting – In the area of new construction all outdoor lighting, with the exception of pedestrian lighting with a height of less than eight feet, shall be designed and located so that:

- 1) the luminaire has an angle of cutoff less than 76 degrees;*
- 2) a line drawn from the height of the luminaire along the angle of cutoff intersects the ground at a point within the development site, and*
- 3) the bare light bulb, lamp or light source is completely shielded from direct view at any point five feet above the ground on neighboring properties or STREETS. Pedestrian lighting with a height of less than eight feet shall be regulated through the Building Commissioner's Office.]*



- B. Insert a new section 10.6 as set forth below:

10.6 Outdoor Lighting Regulations for Site Plan Special Permits. This section uses defined terms that apply specifically in this section. These terms are defined in section 10.6.6 below and are capitalized in addition to the terms defined in section 1.3 of this bylaw. Figures and Tables referred to in this section are located in section 10.6.7 below.

10.6.1 Applicability –

10.6.1.1 The following regulations shall apply to all LUMINAIRES, including existing LUMINAIRES, whose LAMP wattage exceeds the values contained in Table 1, Column A, on any LOT undergoing new development, or a major modification or expansion under a Site Plan Special Permit. A major modification, as used here, shall mean that more than 25% of the LUMINAIRES on the LOT are modified, moved or replaced. A major expansion, as used here, shall mean that the number of LUMINAIRES on a LOT increases by more than 25% of the original number.

10.6.1.2 LUMINAIRES installed before the effective date of this bylaw shall be maintained or, if necessary, modified, to meet the zoning bylaw applicable at the time of their installation.

10.6.2 Standards

10.6.2.1 LUMINAIRE design and shielding – Any LUMINAIRE whose LAMP wattage exceeds the values in Table 1, Column A, shall be SHIELDED. Any LUMINAIRE whose LAMP wattage exceeds the values in Table 1, Column B shall be FULLY SHIELDED (Figure 1).

10.6.2.2 Control of LIGHT TRESPASS and GLARE –

- a) Any LUMINAIRE whose distance from a LOT line is less than three times its height ($3 \times H$) shall be SHIELDED so that all DIRECT LIGHT cast in the direction of STREETS, or abutting LOTS that are in Residential or Conservation USE, is cut off at an angle no more than 70 degrees measured from a vertical line directly below the LUMINAIRE (Figure 2). This requirement shall apply to all sides of the LUMINAIRE that emit light toward a LOT line that is less than $3 \times H$ away from the LUMINAIRE. The cut-off may be accomplished either by the LUMINAIRE photometric properties, or by a supplementary external shield.
- b) Additional shields that are installed to control LIGHT TRESPASS and GLARE as required herein shall be designed so that the parts of the shields that are exposed to the DIRECT LIGHT of the LUMINAIRE and visible from STREETS, or abutting LOTS that are in Residential or Conservation USE, shall have a flat-black, low-reflectivity finish.
- c) LUMINAIRES shall be SHIELDED so that LIGHT TRESPASS onto STREETS is less than 0.8 fc, and onto an abutting LOTS that are in Residential or Conservation USE, including such LOTS abutting on the opposite side of a STREET, is less than 0.3fc. This measurement shall be made with a photometer placed horizontally on the ground at points at the LOT lines. The Lighting Plan (Section 5) shall include calculations demonstrating that this LIGHT TRESPASS criterion will be met.
- d) LUMINAIRES installed on one LOT to illuminate another LOT, or installed in a STREET, railroad, utility, or other right-of-way to illuminate an adjacent LOT, are prohibited. As used in this subsection, LOT shall always mean LOT as defined in section 1.3 of this Bylaw.
- e) No single LUMINAIRE shall employ LAMP(s) exceeding a total of 400 watts, not including power for ballast or transformer.
- f) Strobe and flashing lights, and laser illumination, are prohibited except as allowed under Section 10.6.5 (Exemptions).

10.6.2.3 Hours of operation –

- a) All non-residential OUTDOOR LIGHTING, with the exception of STREETLIGHTS and safety or security lighting as defined herein, may be turned on no earlier than one hour before business hours and shall be turned off no later than 11 PM or one half an hour after close of business, whichever is later.
 - i. Business hours, as used here, is defined as the period of time during which at least one person is present for the purpose of conducting or concluding business on the LOT or in a STRUCTURE on the LOT.
 - ii. Safety lighting, as used here, is defined as lighting to safeguard the movement of persons by foot or by non-motorized vehicles or by vehicles for disabled persons over hazardous footing or in areas that conflict with vehicle traffic, or lighting for the purpose of aiding the visible detection and recognition of other persons. Safety lighting includes lighting for stairs, pedestrian ramps and tunnels, and pedestrian routes that are reasonably expected to be used after business hours.
 - iii. Security lighting, as used here, is defined as lighting to protect BUILDINGS, and property stored outdoors.
- b) Lighting controlled by motion detectors or infrared sensors with an on-time of no more than 10 minutes per activation is exempt from the hours-of-operation restriction. The motion detector shall be adjusted so that normal movement of

vehicles and traffic along a STREET or public right of way shall not cause its activation.

- c) Lighting of recreational facilities must be turned off no later than one half-hour after the end of use.
- d) Lighting of the United States Flag and public monuments is exempt from these hours of operation provisions.

10.6.2.4 Special Provisions –

- a) Externally Illuminated Signs – Lighting for externally illuminated signs shall be projected downward from above. The LUMINAIRE shall be SHIELDED and shall comply with Section 10.6.2.2 (Control of LIGHT TRESPASS and GLARE). It shall be focused directly at the sign display area and SHIELDED so that the LAMP is not visible from STREETS, or abutting LOTS that are in Residential or Conservation USE (Figure 3).
- b) UP-LIGHTING – UP-LIGHTING is prohibited, except for illumination of the United States Flag, a BUILDING facade or a public monument. For any UP-LIGHTING, the LUMINAIRE shall be equipped with shields as necessary and shall comply with Section 10.6.2.2 including subsections b) through f). It shall be focused directly at the area of the target and SHIELDED so that the LAMP is not visible from a STREET, or a LOT that is in Residential or Conservation USE. Building facade illumination shall not exceed 0.25 watts of LAMP power per square foot of facade surface. The Lighting Plan shall specifically demonstrate compliance for any facade or monument UP-LIGHTING
- c) Illuminated Outdoor Recreation Facilities – Notwithstanding the requirement of Section 10.6.2.1 (LUMINAIRE design and shielding), the illumination of outdoor recreational facilities such as, but not limited to playing fields, pools, rinks, tennis courts, driving ranges, ski areas, or skateboard parks, shall be by either SHIELDED or FULLY SHIELDED LUMINAIRES. Such lighting shall be exempt from Sections 10.6.2.2.a) (seventy degree cut-off), 10.6.2.2.c) (LIGHT TRESPASS), and 10.6.2.2.e) (LAMPS not to exceed 400 watts per LUMINAIRE). The following requirements shall apply to illuminated outdoor recreation facilities:
 - i. Such SHIELDED LUMINAIRES shall be mounted at sufficient height and aimed so that the brightest part of the beam is elevated no more than 60 degrees above a point directly vertically below the LUMINAIRE (Figure 4). Light poles for recreation facilities may be as high as necessary to adequately illuminate the facility in compliance with the maximum 60-degree elevation angle, but shall not exceed a height of 85 feet. See section 5.3.5.3 of this Bylaw for a special permit to increase pole height.
 - ii. The LUMINAIRES shall be SHIELDED so that LIGHT TRESPASS onto STREETS, or abutting LOTS in Residential or Conservation USE, is less than 0.8fc. This measurement shall be made with a photometer positioned at the boundary and aimed directly at the LUMINAIRE. The Lighting Plan shall include calculations demonstrating that the LIGHT TRESPASS requirement will be satisfied.
 - iii. The LAMP shall not be visible from a STREET, or an abutting LOT that is in Residential or Conservation USE. Alternatively, the installer may retain a qualified independent lighting consultant to measure the maximum luminance visible from STREETS, or abutting LOTS that are in Residential or Conservation USE. The measurement report shall be delivered to the Building

Commissioner and shall demonstrate that the maximum luminance apparent from a STREET, or an abutting LOT that is in Residential or Conservation USE, is not more than 2500 cd/sq.m.

- d) LUMINAIRES in a Local Historic Districts – In Local Historic Districts, LUMINAIRES may be exempted from Section 10.6.2.1 (LUMINAIRE design and shielding) if the Historic District Commission specifically requires LUMINAIRES of a type that is not available in a version that meets the FULLY SHIELDED criterion. In such cases, such LUMINAIRES shall comply with IESNA CUTOFF light distribution standards.

Illumination for externally illuminated signs in a Local Historic District may be from below using UP-LIGHTING from SHIELDED LUMINAIRES. In this case, the LAMP shall not be visible from a STREET, or from an abutting LOT that is in Residential or Conservation USE, and shields shall comply with Section 10.6.2.2 b) (Visible part of shield has flat-black finish).

10.6.3 Total Site Power Limits

- 10.6.3.1 This section regulates the total amount of lighting that may be used on a LOT. For simplicity, this is accomplished through regulation of the total amount of outdoor LAMP watts installed on the LOT, instead of the total lumen output. An OUTDOOR LIGHTING installation complies with this section if the actual Total Installed Watt Ratings of all LAMPS is no greater than the Allowed Lighting Power. Ballast and transformer power is not counted in this total.

- 10.6.3.2 The Allowed Lighting Power shall be the sum of contributions calculated according to the Activity Areas listed in sections 10.6.3.2 a) through f) below. Only those spaces on a LOT, which are covered with impervious materials, shall be counted towards Activity Areas. Activity Areas on a LOT shall be clearly marked and labeled on the Site Plan. There shall be no overlapping Activity Areas. For a space to be included in the total of an Activity Area, a LUMINAIRE must be within 100 feet of any such space.

- a) Parking lots, driveways, walkways, bikeways – 0.1 watts per square foot of the area of parking lots, driveways, walkways, bikeways, and any other outdoor impervious surfaces on the LOT. These Activity Areas include a 5-foot wide margin of grade or landscaping around the impervious surfaces.
- b) BUILDING entrance areas – 13 watts per linear foot of the width of all doors, plus six feet per door.
- c) BUILDING CANOPIES – 0.4 watts per square foot of the ceiling area of walkway CANOPIES. For portions of BUILDING walkway CANOPIES extending over an entrance area, the Allowed Lighting Power may be regulated by section 10.6.3.2.b) above.
- d) Retail sales CANOPIES: 0.9 watt per square foot of the ceiling area of service station and retail sales CANOPIES. Retail sales CANOPIES are covered spaces that are used for display or dispensing of products for sale.
- e) Retail sales frontage – 20 watts per linear foot of sales frontage. Sales frontage is measured along the edge, as viewed from a STREET, of a paved or otherwise improved area used exclusively for the display of vehicles or other large objects for sale. For this purpose, sales frontage shall be assumed to be 20 feet deep.
- f) OUTDOOR SALES AREA – 0.8 watts per square foot times the area of the OUTDOOR SALES AREA. This area shall be specifically for the display and

storage of vehicles, structures, or other large objects offered for sale, and shall not include driveways, walkways, service areas, storage, or other uses.

- 10.6.3.3 Unlit areas of the LOT may not be used to calculate Allowed Lighting Power. An illuminated area of the LOT is defined as within 100 feet of a LUMINAIRE on the LOT, or, if under a CANOPY, within 25 feet of a LUMINAIRE mounted under the CANOPY.

10.6.4 Lighting Plan

- 10.6.4.1 A Lighting Plan shall be included in all applications for a Site Plan Special Permit that proposes new or replacement lighting installations. For initial developments of land, a major modification (more than 25% of LUMINAIRES being modified or replaced), or a major addition (more than 25% increase in the number of LUMINAIRES), this lighting plan shall be certified to be valid and correct by its designer. The lighting plan shall contain:

- a) On the site plan – the location, height, shielding type of all existing and proposed outdoor LUMINAIRES, and the wattage rating of all LAMPS in each LUMINAIRE, including BUILDING or CANOPY mounted LUMINAIRES. Any existing off-site LUMINAIRES used to illuminate the LOT shall be included in the Lighting Plan. Activity areas (Section 10.6.3) shall be clearly marked on the Site Plan.
- b) Manufacturer's data – For all LUMINAIRES, whose LAMP wattage is greater than Table 1, Column B, the manufacturer's specification data and technical drawings, including the LUMINAIRE LAMP wattage; photometric data showing that the LUMINAIRE is FULLY SHIELDED, including an electronic copy of the IES photometric file, or a reference to the file location on the manufacturer's web site. Manufacturer's photometric specification that the LUMINAIRE is rated IESNA Full Cutoff (FCO) is sufficient to show that it is FULLY SHIELDED. For all LUMINAIRES whose LAMP wattage is less than values shown in Table 1, Column B but greater than values shown in Table 1, Column A, the manufacturer's specification data and technical drawings showing that it meets the definition of SHIELDED LUMINAIRE.
- c) The data of previous sections a) and b) shall be organized into a table, with one line per LUMINAIRE.
- d) Calculations showing that the maximum LIGHT TRESPASS allowed, Sections 10.6.2.2.c) (Light Trespass) and 10.6.2.4.c) (Outdoor Recreational Facilities), will be satisfied by the design.
- e) Calculation of the Allowed Lighting Power for the LOT according to Section 10.6.3 (Total Site Energy [Power] Limits). Activity areas (Section 10.6.3) shall be clearly marked on the Site Plan.
- f) Calculation of the Total Installed Lighting Power from the LUMINAIRES proposed for installation on the Lighting Plan plus any existing LUMINAIRES intended to remain in use, and demonstration that Total Installed Lighting Power does not exceed the Allowed Lighting Power.

- 10.6.4.2 Submission and subsequent approval of a plan does not relieve the applicant of responsibility to demonstrate conformity to all sections of this bylaw, both in the individual LUMINAIRES as built, and for the entire LOT as built. The designer shall submit an as-built plan that correctly reflects the as-built installation, and shall certify that the as-built installation conforms to the requirements of this bylaw.

10.6.5 Exemptions – The following lights shall be exempt from the standards of this bylaw:

10.6.5.1 Internally illuminated signs.

10.6.5.2 Temporary holiday lighting.

10.6.5.3 Emergency lighting such as used by the Police, Fire Department, or other official or utility emergency personnel. Placement of longer-term emergency lighting shall, to largest extent possible, take into consideration the detrimental effects of GLARE on passing motorists and pedestrians, and on residential LOTS.

10.6.5.4 Temporary lighting used on construction sites. All such lighting shall be placed and directed to minimize the detrimental effects of GLARE on passing motorists and pedestrians, and on residential LOTS.

10.6.5.5 Lighting during special events such as fairs, celebrations, or concerts sponsored by the Town of Acton or authorized by the Acton Board of Selectmen. Lighting for festivals and carnivals is exempt but should be in keeping with the intent of this ordinance.

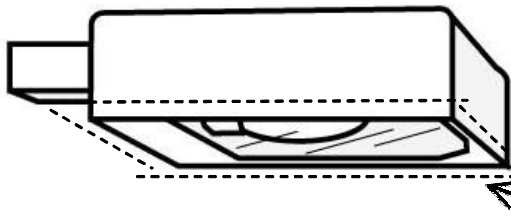
10.6.5.6 Warning and alarm lights that alert to a malfunction or emergency situation.

10.6.6 Definitions

- CANOPY - an opaque ceiling over installed lighting.
- CUTOFF (CO) – A LUMINAIRE light distribution, specified by the IESNA, where the intensity in candela per 1000 LAMP lumens does not numerically exceed 25 (2.5%) at a vertical angle of 90 degrees above nadir, and 100 (10 %) at a vertical angle of 80 degrees above nadir. Nadir is the point directly vertically below the LUMINAIRE. A FULL CUTOFF (FCO) LUMINAIRE is also a CUTOFF LUMINAIRE.
- DIRECT LIGHT - Light emitted directly from the LAMP, from the reflector or reflector diffuser, or through the refractor or diffuser lens of a LUMINAIRE.
- FOOT CANDLE (fc) - Unit of ILLUMINANCE; One lumen per square foot.
- FULL CUTOFF (FCO) - A LUMINAIRE light distribution, specified by the IESNA, where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. Additionally, the candela per 1000 LAMP lumens does not numerically exceed 100 (10 percent) at a vertical angle of 80 degrees above nadir. Nadir is the point directly vertically below the LUMINAIRE. A FCO LUMINAIRE is FULLY SHIELDED.
- FULLY SHIELDED: constructed in such a manner that no light emitted by the fixture, either directly from the LAMP or a diffusing element, or indirectly by reflection or refraction from any part of the LUMINAIRE, is projected above a horizontal plane passing through the lowest direct-light-emitting part of the LUMINAIRE. (Figure 1). BUILDING CANOPIES, overhangs, roof eaves and similar types of construction shall not be considered as the means for providing the FULLY SHIELDED light cut-off characteristic. This shall be achieved by the LUMINAIRE itself. (Figure 5)
- GLARE -The sensation of visual discomfort or loss in visual performance and visibility produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted.
- INDIRECT LIGHT - DIRECT LIGHT that has been reflected off the surface of any permanently constructed object other than the source LUMINAIRE.
- IESNA or IES - Illuminating Engineering Society of North America. A professional association of lighting engineers and lighting manufacturers generally recognized as the definitive source for illumination recommendations in the United States. An IES photometric file is defined by IESNA standards.

- **ILLUMINANCE** – The luminous flux incident per unit area, expressed in FOOT CANDLE (one LUMEN per square foot). Horizontal or vertical ILLUMINANCE is that measured with a photometer cell mounted horizontally or vertically.
- **LAMP** – The light source component of a LUMINAIRE that produces the actual light.
- **LIGHT TRESPASS** – DIRECT or INDIRECT LIGHT produced by an artificial light source and which shines outside the boundaries of the LOT containing the LUMINAIRE.
- **LUMINAIRE** – A complete OUTDOOR LIGHTING unit or fixture including a LAMP or LAMPS, together with the parts designed to distribute the light, to position and protect the LAMPS, and to connect the LAMPS to the power supply, but not including a pole on which the LUMINAIRE may be mounted.
- **OUTDOOR LIGHTING** – The night-time illumination of an outside area or object by a LUMINAIRE located outdoors. LUMINAIRES under a CANOPY are considered outdoor lights and are regulated by this bylaw.
- **OUTDOOR SALES AREA** – A static display of goods for sale at night, such as automobile sales lots, landscaping and nursery businesses, outdoor construction materials sales lots, and outdoor activity areas such a miniature golf, family fun centers, and permanent swap meets. An OUTDOOR SALES AREA location is not covered by CANOPIES or other STRUCTURES.
- **SHIELDED** – A LUMINAIRE employing a shield to prevent GLARE The LUMINAIRE shall have a generally downward distribution of light and must have a top shield to minimize upward light.
- **STREETLIGHTS** – LUMINAIRES installed within a STREET and intended primarily for the illumination of the STREET.
- **UP-LIGHTING** – DIRECT LIGHT illumination distributed above a 90 degree horizontal plane through the lowest DIRECT LIGHT emitting part of the LUMINAIRE.

10.6.7 Figures and Tables



Horizontal plane

Figure 1A. FULLY SHIELDED. No light emitted above a horizontal plane through the lowest DIRECT-LIGHT-EMITTING part of LUMINAIRE.

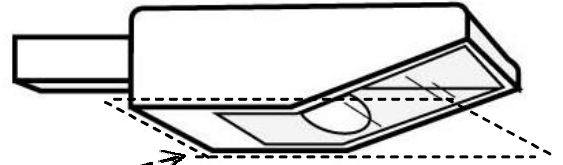
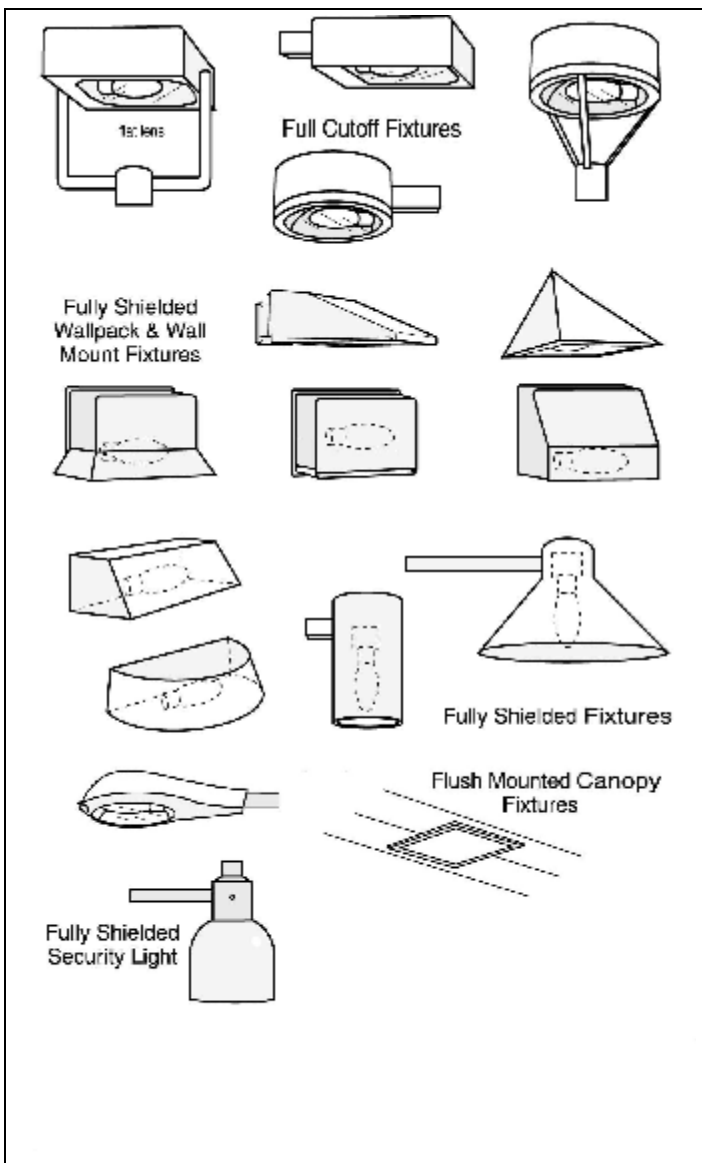
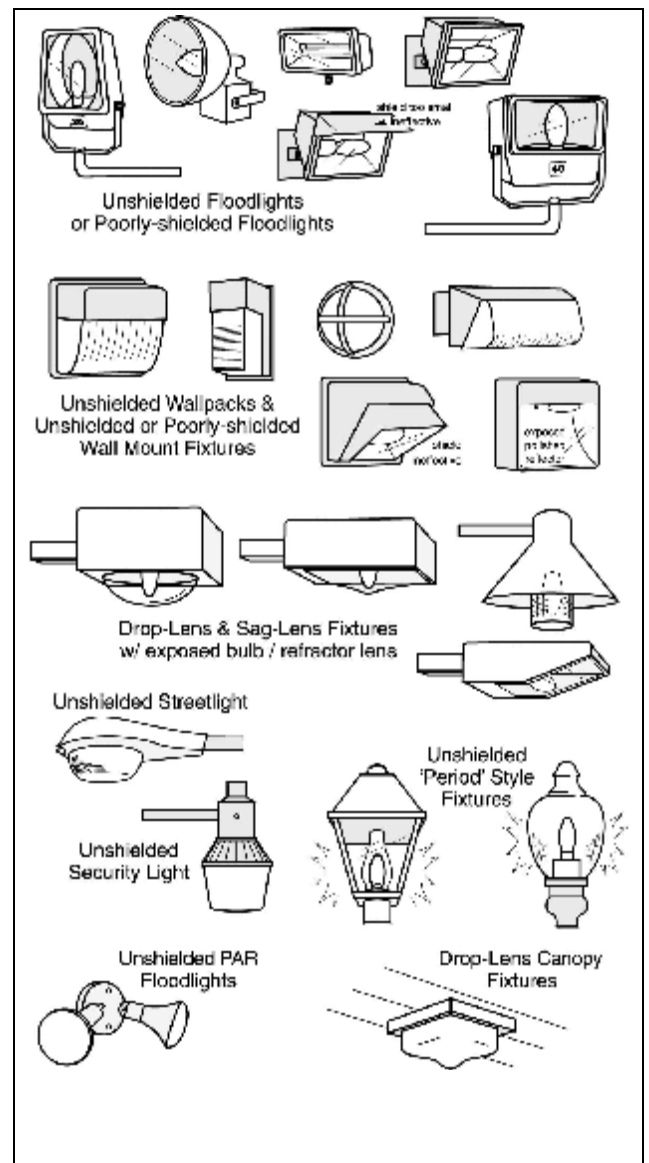


Figure 1B. Not FULLY SHIELDED. Light is emitted above a horizontal plane through the lowest DIRECT-LIGHT-EMITTING part of LUMINAIRE.

Examples of FULLY SHIELDED LUMINAIRES



Examples of LUMINAIRES that are NOT FULLY SHIELDED



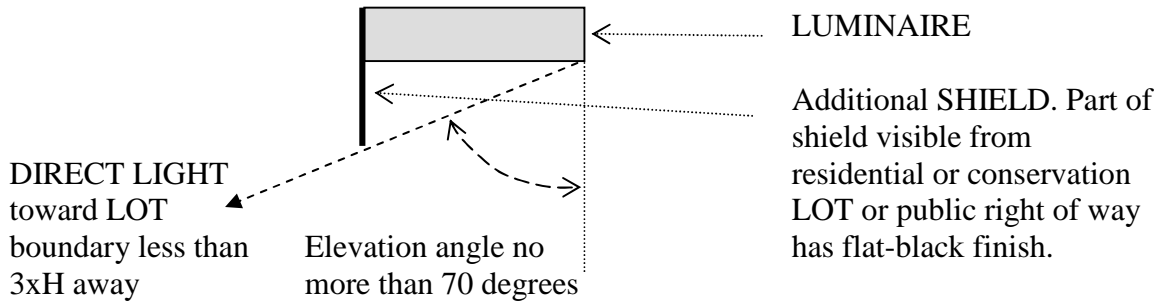


Figure 2. Any outdoor LUMINAIRE whose distance from the LOT boundary is less than three times its height shall be shielded so that all DIRECT LIGHT cast in the direction of residential or conservation lots and public rights-of-way is cut-off at an angle no more than 70 degrees measured from a vertical line directly below the LUMINAIRE.

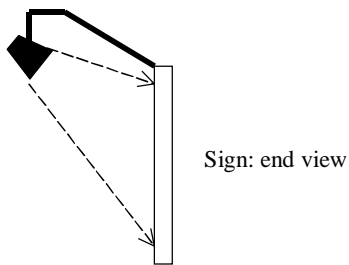


Figure 3. Lighting for externally illuminated signs shall be projected downward from above. The LUMINAIRE shall be SHIELDED and shall comply with Section 3.2 (Control of LIGHT TRESPASS and GLARE).

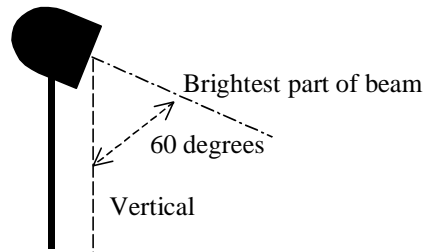


Figure 4. Illumination for outdoor recreational facilities shall be SHIELDED LUMINAIRES and shall be mounted at sufficient height and aimed so that the brightest part of the beam is elevated no more than 60 degrees above a point directly vertically below the LUMINAIRE (Figure 4)

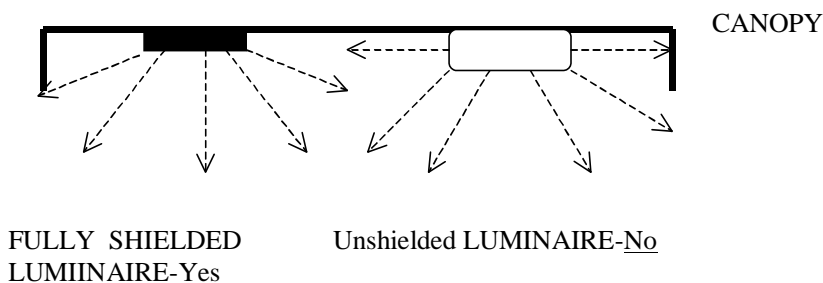


Figure 5. Building canopies, overhangs, roof eaves and similar types of construction shall not be considered as the means for providing the light cutoff. The cutoff characteristics shall be achieved by the LUMINAIRE itself.

Table 1. LUMINAIRES whose LAMP wattage exceeds the values in Column A of this table shall be SHIELDED. LUMINAIRES whose LAMP wattage exceeds the values in Column B of this table shall be FULLY SHIELDED.

Lamp type	A; SHIELDED	B; FULLY SHIELDED
Incandescent, Halogen	60 w	120 w
High Pressure Sodium, Metal Halide, Mercury Vapor, other HID	35 w	35 w
Fluorescent, Low Pressure Sodium	13 w	20 w

C. Insert a new section 5.3.5.3 as follows:

5.3.5.3 In all Districts, the Planning Board may by special permit increase the height limits in the Table of Standard Dimensional Regulations for light poles that illuminate outdoor recreation facilities such as, but not limited to, playing fields, pools, rinks, tennis courts, driving ranges, ski areas, or skateboard parks that are operated as a Recreation, Municipal, or Commercial Recreation USE. In considering a special permit, the Planning Board shall take into account the trade-offs between the height of light poles and the improved illumination of the facility, and it shall weigh any mitigating effects on light trespass and glare. The luminaires on such light poles shall comply with section 10.6.2.4.c) of this bylaw. No such light poles shall exceed a height of 85 feet.

D. Delete Section 7.4.3.3 and replace it with a new section 7.4.3.3 as follows:

7.4.3.3 Except as otherwise provided herein, illumination for any SIGN shall be provided through a stationary external light source, with the light projected downward from above and in compliance with section 10.6.2.4.a) of this bylaw. In no case shall the illumination of a SIGN cause blinding or otherwise obstruct the safe vision of any traffic participant anywhere. SIGN illumination through an external source shall always be white or off-white.

[Note: Section 7.4.3.3 currently reads:

7.4.3.3 Except as otherwise provided herein, illumination for any SIGN shall be provided through an external light source which shall be stationary, and concealed or hidden so that it is invisible from any abutting property and practically invisible to the casual passerby on or outside the LOT. Such light source shall be directed primarily onto the SIGN and maintained at a sufficiently low intensity and brightness to avoid glare. In no case shall the illumination of a SIGN cause blinding or otherwise obstruct the safe vision of any traffic participant anywhere. SIGN illumination through an external source shall always be white or off-white.]

, or take any other action relative thereto.

SUMMARY

This article, if adopted, would provide new regulations for permanent outdoor lighting on commercial sites in Acton. The proposed regulations would apply to the development of new commercial properties and to substantial redevelopment or expansion of existing commercial properties. The article proposes to regulate the design of outdoor lighting installations to prevent light trespass and glare, the hours during which outdoor lights may be turned on, and the total light power used on a site. A detailed lighting plan would be required as part of all site plan special permit applications. The article proposes changes to the regulation of sign illumination to limit external illumination of signs only from a shielded light source above the sign. For outdoor recreation facilities, the article proposes special lighting design standards and,

by special permit, a height exemption for pole mounted lighting. Both measures would reduce light trespass from illuminated outdoor recreation facilities while also improving the illumination of those facilities. This article was developed by the Outdoor Lighting Advisory Committee (OLAC).

Direct Inquiries to: Roland Bartl, AICP, Town Planner
planning@acton-ma.gov / (978) 264-9636
Selectman assigned: William Shupert: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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ARTICLE 27 # A RESOLUTION OF THE TOWN OF ACTON
(Majority vote) AFFIRMING OUR CIVIL LIBERTIES

Whereas, the Town of Acton denounces terrorism and appreciates and supports those who defend us from terrorism and terrorist attacks: the men and women serving in our armed forces, federal, state and local law enforcement officers, firefighters, & health service professionals, and

Whereas, the Town of Acton values a diverse population whose contributions to the community are essential to its vitality and character, and

Whereas, the Town of Acton has an historic and distinguished tradition of fighting for the civil liberties for all people as expressed in the Constitution of the United States and the Constitution of the Commonwealth of Massachusetts, and

Whereas, the First Amendment to the United States Constitution states “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances,” and

Whereas, the Fourth Amendment states “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized,” and

Whereas, the Sixth Amendment guarantees defendants the following rights: “the right to a speedy and public trial, by an impartial jury, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have the assistance of counsel for his defense,” and

Whereas, the Eighth Amendment states “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted,” and

Whereas, the Fourteenth Amendment states “... nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of laws,” and

Whereas, we believe these liberties are precious & are now being threatened by the USA PATRIOT Act, which:

- All but eliminates judicial supervision of telephone and Internet surveillance;
- Greatly expands the government's ability to conduct secret searches;
- Gives the U.S. Attorney General and the Secretary of State unchecked power to designate domestic groups as "terrorist organizations," and
- Grants the FBI broad and unsupervised access to sensitive medical, mental health, financial, and educational records about individuals without having to show evidence of a crime and without a court order; and

Whereas, Federal Executive Orders

- Establish secret military tribunals for terrorism suspects;
- Permit wiretapping of conversations between federal prisoners and their lawyers;
- Lift Department of Justice regulations against illegal COINTELPRO operations by the FBI (i.e., covert activities that in the past targeted domestic groups and individuals), and
- Limit the disclosure of public documents & records under the Freedom of Information Act;

Whereas, Town employees are prevented from protecting the constitutional rights of citizens of Acton according to Section 215 of the USA PATRIOT Act and are at risk of prosecution due to the conflict between said Section and the Constitution of the United States;

NOW, THEREFORE, in keeping with the spirit and history of the Town of Acton, **BE IT RESOLVED THAT**:

1. The Town of Acton has been and remains firmly committed to the protection of civil liberties. We affirm our commitment to embody the spirit of democracy, to embrace and defend human rights and civil liberties for all regardless of citizenship, gender, sexual orientation, racial identification, religious affiliation, age, or country of origin.

2. The Town of Acton calls upon all private citizens, including residents, employers, and business owners, to demonstrate similar respect for each others' civil rights and civil liberties.

3. The Town of Acton affirms its strong opposition to those parts of the USA PATRIOT Act, any Justice Department directives, or Executive Orders that weaken or destroy our civil liberties.

4. The Town Manager shall be directed to transmit a copy of this resolution to all members of the Massachusetts Congressional Delegation, the President of the United States, and the U.S. Attorney General accompanied by a letter urging them to:

- Thoroughly and immediately assess the impact of the USA PATRIOT Act on individual civil liberties;
- Work to repeal provisions of the USA PATRIOT Act and other laws and regulations that infringe on civil rights and liberties;
- Closely monitor federal anti-terrorism tactics;
- Oppose further legislation & Executive Branch Orders that violate our Bill of Rights.

5. The Town Manager shall be directed to transmit a copy of this resolution to the Governor, Attorney General of the Commonwealth of Massachusetts, and Acton's delegation to the General Court of Massachusetts.

SUMMARY
(By Petitioner)

The USA PATRIOT Act was passed in haste following the September 11th terrorist attacks. While some portions of the Act are necessary to increase security, others – as written – conflict with the Constitution or are so vague that our basic civil liberties may be abused.

This Resolution reaffirms our town's strong belief in the Bill of Rights and asks the Town Manager to request that our representatives in Washington assess the impact of the USA PATRIOT Act, repeal provisions that infringe on our civil liberties, closely monitor government anti-terrorism tactics and oppose further provisions that may violate the Bill of Rights.

Direct inquiries to: Sue Kennedy, (978) 264-9165, or Sid Levin, (978) 263-6515
Acton Citizens for the Bill of Rights

Selectman assigned: Walter Foster: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	No Recommendation
